

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/Z

3404 HJUD SB 75 - SB 138

280



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

7/25/89
Date

S B

7 5

Alaska State Legislature



INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4747

CHAIRMAN
STATE AFFAIRS
MEMBER
BUDGET & AUDIT
TRANSPORTATION

Senator Mitch Abood
SENATE DISTRICT G-A

MEMORANDUM

TO: Rep. Mike Miller, Chairman
House Judiciary Committee

FROM: Senator Mitch Abood *ma / by CJ*

DATE: April 25, 1986

RE: CSSB 75 (SA) "An Act relating to suspension of the privilege to obtain a driver's license."

Today CSSB 75 (SA) passed out of the House State Affairs Committee with five (5) Do Passes. The House Judiciary Committee is the next committee of referral.

As prime sponsor of CSSB 75 (SA), and as the ended of session is fast approaching, I would request that you schedule CSSB 75 (SA) as soon as time permits.

Attached is the back-up material for CSSB 75 (SA).

Position paper from Department of Public Safety in Support
Zero fiscal note from Department of Public Safety
Letter of Intent
Note: Department of Law is also in favor of CSSB 75 (SA)

Thank you for your consideration.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB75(SA)
 Title: An Act relating to sus-
 pension of the privilege to obtain
 a driver's license
 Sponsor: Abood
 Requestor: Sen. Judiciary
 Date of Request: 2-27-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and
 Property Protection
 BRU, Program or Subprogram(s) Affected:
Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Bill Brown Phone: 465-2650
 Division: Motor Vehicles Date: 2-27-85
 Approved by Commissioner: Michael Clemon Date: 2-27-85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

WORKING / 12-15 AM
75(SA)

Alaska State Legislature



SENATE LETTER OF INTENT

The State Affairs CS for SB 75 is drafted to provide that a person's "privilege to obtain a license" may be suspended or revoked in the same manner and under the same conditions as a person's driver's license may be suspended or revoked under existing law.

In the case of Francis v. Municipality of Anchorage, 641 P.2d 226 (Alaska App. 1982), the Alaska Court of Appeals held that a person who had never applied for a driver's license could not be charged with the misdemeanor crime of driving while license suspended (DWLS) for driving after the Department of Motor Vehicles (DMV) had suspended a person's "privilege to drive" following an accident for which the person failed to establish financial responsibility. The court held that since the defendant had never had a license, there was nothing for DMV to suspend, and the most that the defendant could be charged with was driving without a valid license.

Driving without a valid license in violation of AS 28.15.011 carries a maximum penalty of 90 days in jail, a \$500 dollar fine, or both (see AS 28.35.320(a) and (b)). In contrast, DWLS carries a maximum penalty of one year in jail, a \$5,000 dollar fine, or both (see AS 28.15.291(d)). Additionally, a conviction for driving without a valid license does not require the mandatory minimum sentences which must be imposed following a conviction for DWLS (see AS 28.15.291(a) and (c)).

The intent of this legislation is fulfilled, in the most part, by section 4. This section provides that all court or department actions relating to a suspension or revocation of a driver's license, all Title 28 procedures relating to a suspension or revocation of a driver's license, and all Title 28 references to the suspension or revocation of a license also apply to the "privilege to obtain a driver's license." This method was chosen in preference to adding or privilege to obtain a license in each of the 70 odd places where "revocations" or "suspension" of a "license" or "driver's license" is mentioned throughout Title 28.

The only place in Title 28 where the language "or privilege to obtain a license" is added is in the section establishing the crime of driving while license suspended or revoked (AS 28.15.291). The Committee felt that special notice should be given in this section because it is a criminal statute concerning the offense in question.

ADOPTED BY THE SENATE 3/22/85.

COMMITTEE REPORT

HOUSE

JUDICIARY

(7)

FURTHER: FINANCE

3/25/85

Date: 4/25/86

The Committee on STATE AFFAIRS has had CSSB 75(SA)

"An Act relating to suspension of the privilege to obtain a driver's license."

under consideration and recommends:

do pass [] do not pass

[] do pass with attached amendments(s)

[] replace with CS for _____ [] same title

[] _____ [] new title

and recommends

[] ^{ENDORSES SENATE SIP} AND attaches a "Letter of Intent" [] ^{1986 2/27} New Fiscal Note

[] reports it back without recommendation [] Zero Fiscal Note Attached

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Katie Hurley
Mike Savard
Will Kelly
Paul Jenkins
C.A. Brubaker

Katie Hurley
CHAIRMAN

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSSB75(SA)

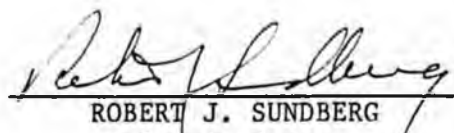
Support

April 23, 1986

CSSB75(State Affairs), An Act relating to suspension of the privilege to obtain a driver's license.

This bill addresses a problem brought to our attention by the Alaska Court of Appeals decision in the case of Francis vs Municipality of Anchorage in 1982, and Roberts vs State of Alaska in 1985. Those decisions held that a person who had never applied for a driver's license could not be charged with driving while license suspended if stopped for driving after the State had issued a suspension. Francis had been suspended following an accident for which he failed to establish financial responsibility. Roberts had been suspended for DWI, accumulation of points, and failure to provide proof of financial responsibility. The court held that since the defendant had never had a license, there was nothing for the Division of Motor Vehicles to suspend. The most the defendant could be charged with was for driving without a valid license.

In the Roberts decision the Court of Appeals decision contains the following sentence. "At this stage we believe that the solution for any problems stemming from the current statutory language should properly be resolved through legislative action rather than by the process of judicial interpretation."


ROBERT J. SUNDBERG
Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SB 75 (S.A.)
 Title : An Act relating to suspension
of the privilege to obtain a driver's
license.
 Sponsor : Abood
 Requestor : House State Affairs
 Date of Request : 4/18/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Motor Vehicles

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
COMMENTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

r No fiscal impact

KW Prepared by : Bill Brown Phone : 465-2650
 Division : Motor Vehicles Date : 4-18-86
 Approved by Commissioner : [Signature] Date : 4/18/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



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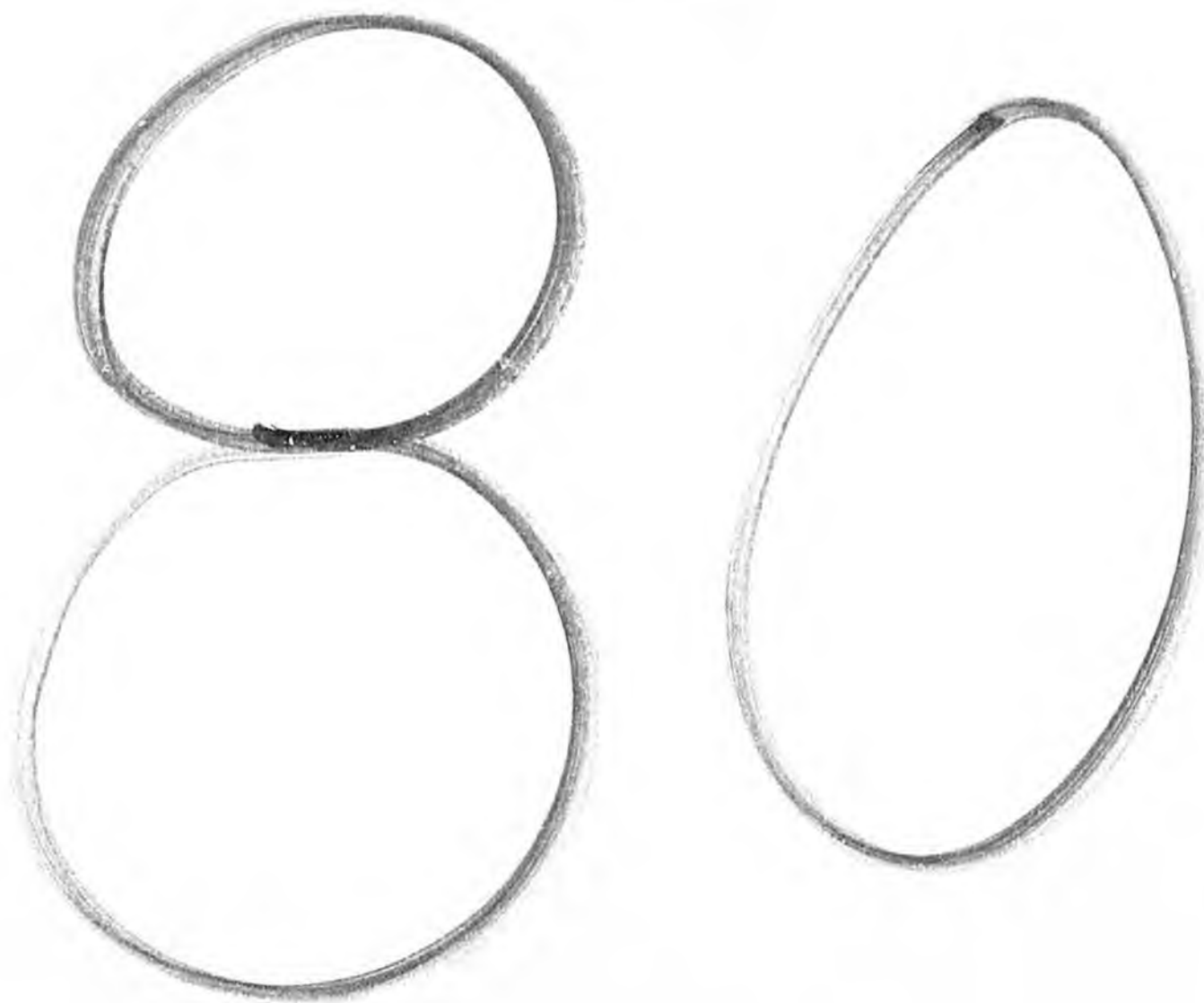


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James O. Smith
Signature of Camera Operator

7/25/89
Date

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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary
" " " "

5/9/86

" "

8:00 AM

1:30 PM

479

**HOUSE
COMMITTEE REPORT**

(7)

Date referred: 4/15/86

FURTHER REFERRALS: FINANCE

DATE: _____

The JUDICIARY Committee has considered CSSB 80 (HESS)

"An Act relating to relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- replace with _____ new title

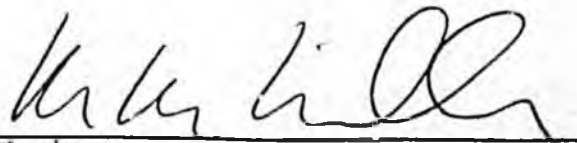
and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:



Chairman



Edie FYI file

Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
General Counsel

303 K Street
Anchorage, AK 99501

February 19, 1985

Senator Bettye Fahrenkamp
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

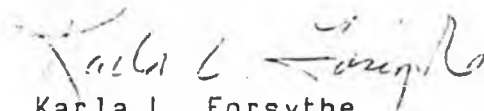
I am writing to bring to your attention a concern about SB 80, an act relating to the number of psychologists and psychiatrists appointed to examine a criminal defendant.

Under existing law there are two statutes which deal with appointment of a psychologist or psychiatrist when the defendant's competency is an issue: AS 12.47.070(a), which requires the appointment of at least two psychologists or psychiatrists, and AS 12.47.100, which requires the appointment of only one psychiatrist. I checked with David Mannheimer, assistant attorney general, office of special prosecutions and appeals, and with Dean Guaneli in the chief prosecutor's office. It was their informal opinion that these two statutes address the same situation, and therefore are in conflict.

Senate Bill 80 amends AS 12.47.070(a) to provide for appointment of only one psychiatrist or psychologist if the prosecution and defense consent. This amendment would not resolve the conflict between the two statutes. It is the view of the Alaska Court System that AS 12.47.070(a) should be amended to conform to the language of AS 12.47.100, providing for appointment of only one psychiatrist or psychologist, since there appears to be no reason why these statutes provide for a different number of psychiatrists or psychologists, and since appointment of one psychiatrist or psychologist will be less costly to the state.

Thank you for the opportunity to submit these comments.
Please let me know if I can provide additional information.

Sincerely,



Karla L. Forsythe
General Counsel

KLF:smh

cc: Arthur H. Snowden, II
Dean Guaneji
David Mannheimer

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

CRIMINAL DIVISION

February 20, 1985

REPLY TO:

OFFICE OF THE CHIEF PROSECUTOR
POUCH KC
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE (907) 279-7424

Ms. Edie Russell
Office of Senator Fahrenkamp
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: Senate Bill 80

Dear Ms. Russell:

This letter is in response to your request for a "position paper" from the Department of Law on Senate Bill 80, relating to the number of psychiatrists appointed to examine criminal defendants.

As explained in the Governor's transmittal letter to the legislature, under AS 12.47.070(a) the court is required to appoint at least two psychiatrists or psychologists if a defendant has filed notice of intent to rely on the defense of insanity or notice of intent to rely on evidence tending to negate a culpable mental state, if there is reason to doubt the defendant's fitness to proceed, or if there is reason to believe that a mental disease or defect of the defendant will otherwise become an issue in the case. The waiver of the second psychiatrist, authorized by this bill, would avoid unnecessary duplication in cases in which both the prosecution and defense are satisfied with the appointment of a single psychiatrist. This waiver will be helpful in making efficient use of state resources, particularly where two state psychiatrists from the Alaska Psychiatric Institute would be appointed to perform the examinations.

Experience has shown that the requirement to appoint two psychiatrists is not always necessary, either to assist the court or to protect the public or the defendant. Experience has also shown that simply reducing this requirement to only one psychiatrist or psychologist would tend to weaken protection of the public because appointment of a prosecution expert would not be assured. This bill, based on that experience, seeks to achieve the most equitable result.

At your request, I have also attached a proposed committee substitute for SB 80 to address concerns raised by

the court system about overlapping and inconsistent provisions for psychiatrist examinations in AS 12.47.070 and 100. The conforming amendment which I have proposed repeals and reenacts AS 12.47.100(b), and makes it clear that the court must appoint two psychiatrists, whether the issue is insanity under AS 12.47.010, diminished capacity under AS 12.47.020, or incompetency under AS 12.47.100. The amendment also makes the procedure for conducting psychiatric examinations in insanity cases under AS 12.47.070 applicable to incompetency proceedings.

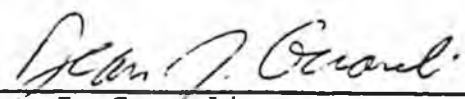
If I can be of further assistance, please contact me.

Very truly yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

DANIEL W. HICKEY
CHIEF PROSECUTOR

By: _____


Dean J. Guaneli
Assistant Attorney General

DJG/so-88

Attachment

SP 80

AS 12.47.070(a) requires that the court appoint two psychiatrists or forensic psychologists to examine and report upon the mental condition of a defendant if insanity is going to be relied on as a defense or there is reason to believe that it will become an issue in the case.

SB 80 amends 12.47.070(a) by allowing the option of one psychiatrist or forensic psychologist to be appointed if the defendant and prosecuting attorney both agree to it. The revision is intended to save time and money without disenfranchising either the defendant or the public.

A CS has been prepared which would repeal and reenact AS 12.47.100(b) and make it clear that the court must appoint two psychiatrists to examine the defendant if there is reason to believe the person is incompetent to proceed with the trial. AS 12.47.100(b) requires that the court appoint at least one qualified psychologist for examinations. The amendment would establish consistency in procedures for conducting psychiatric examinations in insanity cases under 12.47.070 and in incompetency proceedings.

POSITION PAPER

SENATE BILL 80

"An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date."

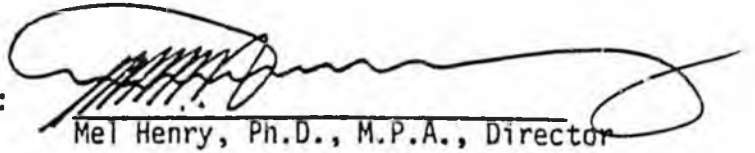
In October, 1982, Chapter 143, SLA 1982 became effective. That Act, among other things, revised Alaska's criminal laws relating to insanity and competency to stand trial. One revision that was contained in the Act requires that two psychiatrists or two forensic psychologists must be appointed to examine defendants under A.S. 12.47.070. Prior to the 1982 revision only one psychiatrist was required by statute to perform these examinations. The amendment proposed in Senate Bill 80 would give the court the option of appointing only one psychiatrist or forensic psychologist if the requirement under A.S. 12.47.070 that two psychiatrists or forensic psychologists examine the defendant is waived by both the defendant and the prosecuting attorney.

We believe that many, if not most, of these examinations can be adequately performed by utilizing only one psychiatrist or forensic psychologist. A large percentage of these exams are currently being done by the Forensic Services Team from Alaska Psychiatric Institute. The exams are performed in the Anchorage area correctional centers. If the court is required to routinely appoint two psychiatrists or forensic psychologists to examine these defendants, and Alaska Psychiatric Institute is ordered to perform the exam, a second psychiatrist that has in-hospital responsibilities must be detailed to the correctional center in order to perform the second psychiatric examination.

According to the staff at Alaska Psychiatric Institute, approximately 170 defendants per year are ordered by the courts to undergo psychiatric examinations by the Forensic Services Team. Of those that are referred to the Forensic Team, approximately 30 specifically require two psychiatrists to perform the same psychiatric examination. After completing the first psychiatric examination by the Forensic Team, if the second psychiatric examination is deemed to be unnecessary or would needlessly duplicate the findings of the first examination, the court is notified. In about half of these cases, the court agrees to limit the number of psychiatric examinations to one rather than two conducting the examinations as specified in A.S. 12.47.070. Basically, what is currently happening in practice is what is being proposed in Senate Bill 80. The amendment will simply codify the existing practice.

It is our position that this practice of routinely appointing two psychiatrists or forensic psychologists to examine criminal defendants oftentimes an unnecessary duplication of effort that can be avoided by passage of Senate Bill 80. Accordingly, the Department of Health and Social Services supports the passage of this bill.

Recommended by:


Mel Henry, Ph.D., M.P.A., Director

Date:

1-28-85

Approved by:


John Pugh, Commissioner

Date:

1/30/85

John Pugh CAS

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 80
 Title: An Act relating to the number of psychiatrists appointed
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: January 28, 1985

FISCAL DETAIL

Department of Health
 Agency Affected: and Social Services
 Program Category Affected: DIVISION OF Mental Health and Developmental Disabilities & API
 BRU, Program or Subprogram(s) Affected: Mental Health Institutions and Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		0				
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

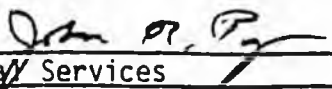
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached


Prepared By: James L. Scoles  Phone: 465-3370
 Division: Mental Health & Developmental Disabilities Date: 1-28-85

Approved by Commissioner: John P. By  Date: 1/30/85 *JCC*
 Agency: Health & Social Services

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

The Division of Mental Health and Developmental Disabilities does not foresee any decrease in our personnel services expenditures as a result of the passage of Senate Bill 80. In those cases in which the defendant and the prosecuting attorney waive the requirement that two psychiatrists perform the examination, the second Alaska Psychiatric Institute psychiatrist will simply continue with his in-house treatment responsibilities for mentally ill patients at the hospital. It should, however, result in the addition of more direct treatment services being available inside Alaska Psychiatric Institute as a result of the reduction in staff time by the second psychiatrist that is currently necessary to perform these court-ordered exams in the correctional centers.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 22, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that allows a criminal defendant and prosecuting attorney to waive the requirement that the court appoint two qualified psychiatrists or forensic psychologists to examine certain criminal defendants. If that requirement is waived, the court would only have to appoint one such psychiatrist or psychologist.

Under present law (AS 12.47.070(a)), if a defendant has filed notice of intent to rely on the defense of insanity or notice of intent to rely on evidence tending to negate a culpable mental state; if there is reason to doubt the defendant's fitness to proceed; or if there is reason to believe that a mental disease or defect of the defendant will otherwise become an issue in the case, the court is required to appoint at least two psychiatrists or psychologists to examine the defendant. The waiver authorized by this bill would avoid unnecessary duplication in cases in which the prosecution is satisfied with the appointment of a single psychiatrist, and the defendant does not wish to undergo more than one court-ordered examination. This waiver will be especially helpful in cases in which two state psychiatrists from the Alaska Psychiatric Institute would be appointed to perform the examinations.

Experience has shown that the requirement to appoint two psychiatrists is not always necessary, either to assist the court or to protect the public or the defendant. Experience has also shown that simply reducing this requirement to only one psychiatrist or psychologist would tend to weaken protection of the public since appointment of a prosecution expert would not be assured. This bill, based on that experience, seeks to achieve the most equitable result.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate Committee on Health, Education and Social Services

MINUTES

April 9, 1985
1:36 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Armstrong - De Vries
Senator Paul Fischer
Senator Josephson
Senator Sturgulewski

CALENDAR

SB 80, Relating to the number of psychologists appointed to examine a criminal defendant.

SB 219, Establishing a special unit for the investigation of criminally exploited and missing children.

SB 242, Relating to educational attendance area school boards.

SB 80

Jim Scoles, Division of Mental Health and Developmental Disabilities, Department of Health and Social Services, testified in support of the proposed committee substitute for SB 80, which would provide the court the option of appointing only one psychiatrist or forensic psychologist if the defendant and prosecuting attorney both agree.

Senator Josephson moved to adopt CS SB 80 (HESS) and move it from committee with individual recommendations. There was no objection.

SB 242

Senator Eliason testified in support of SB 242, which would allow for variance in the number of school board members per section upon a determination by the Department of Education that there have been substantial population shifts within an REAA. He cited the situation in the Southeast Island School District where mobile logging camps effect large population shifts.

SB 219

Senator DeVries spoke in support of the bill which would establish within the Department of Public Safety a special unit for investigating incidents of missing children and the criminal exploitation of children. She discussed the fiscal note submitted by the Department of Public Safety.

Senator Josephson moved SB 219 and its letter of intent from committee with individual recommendations. There was no objection.

The meeting adjourned at 2:02 pm.



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James O. Smith
Signature of Camera Operator

7/25/89
Date

S B

9 9

ALASKA PEACE OFFICERS ASSOCIATION

DDC Coordinator
P.O. Box 103520
Anchorage, Ak.
99510-3520
(907) 376-9177



State APOA Office
P.O. Bcx 103520
Anchorage, Ak.
99510-3520
(907) 376-9177

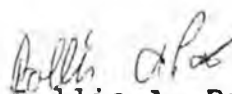
March 4, 1986

Honorable M. Mike Miller
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Mr. Miller:

The Alaska Peace Officers Association, representing 898 peace officers statewide, is in strong support of Senate Bill 99 concerning the states right to appeal in criminal cases. In the interest of sincere and equal criminal justice, it is imperative that the state be able to get some relief from sentences which are too lenient. This legislation will also help bring the entire State of Alaska more consisted sentencing polices.

Sincerely,


Rollie A. Port
President
Alaska Peace Officers Assn.

P.S. Steve Kalwara is our local contact in Juneau. If further input is requested, please contact Sgt. Kalwara at the Juneau Police Dept. The phone number is 586-5211.

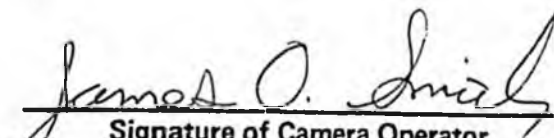
cc: file
Governor's Office
chapter presidents
Attorney General Brown
Dep. Commissioner Vaden
Steve Kalwara

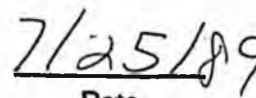


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Signature of Camera Operator


Date

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STATE OF ALASKA
THE LEGISLATURE

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907-465-3000

May, 1986

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Jeanie Henry

House Judiciary

3/18/85

1:30 pm

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 101 (Jud)
 Title: Character Investigation and Fingerprinting
 Sponsor: Senate Judiciary
 Requestor: House Judiciary
 Date of Request: 2-12-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 2-12-85
 Approved by Commissioner: *Michael Clemens* Date: 2-14-85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSSB 101 (Jud)am

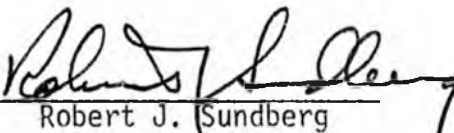
Support

February 8, 1985

CSSB 101 (Jud)am - "An Act relating to character investigation and fingerprinting of applicants to the Alaska Bar Association."

The legislation requires law enforcement officers to process fingerprints of applicants to the bar.

Utilization of the Automated Fingerprint Identification Network (AFIN) in the processing of these fingerprints will be both timely and the cost will be immaterial.


Robert J. Sundberg
Commissioner

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

P.O. BOX 100278
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7459

RANDALL P. BURNS, EXECUTIVE DIRECTOR

STEPHEN J. VAN GOOR, DISCIPLINARY ADMINISTRATOR AND BAR COUNSEL



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SECRETARY
FAIRBANKS

LEW M. WILLIAMS
TREASURER
KETCHIKAN

January 23, 1985

*L.A.A. by Judiciary
Comm.*

The Honorable M. Mike Miller, Chair
House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Miller:

*14N 2 R 1005
Requested from LAA
1/29/85*

The Alaska Bar Association would like to ask your assistance in the enactment of legislation relating to the character investigation of applicants seeking admission to the Bar. Specifically, we are seeking enactment of legislation that would allow the Alaska Bar Association to utilize the services of the Federal Bureau of Investigation (FBI) in processing the fingerprint cards submitted by applicants for admission to the Bar. Currently the cards are submitted for processing only in Alaska. The Bar Association has approval as a secondary user of AJIS, and the Alaska Department of Public Safety routinely provides us information contained within AJIS on applicants. In most cases, however, this reflects only arrests, convictions, suspended imposition of sentences, etc., for in-state violations.

Prior to 1981 the Association's fingerprint cards were also processed by the FBI. FBI rules were subsequently changed to require statutory authority for the submission of fingerprint cards to the FBI and the dissemination of information by the FBI to bar associations. Therefore, I write to ask your support for and sponsorship of such legislation.

As you are probably aware, many applicants seeking admission to the Alaska Bar are not residents of this state and have not lived here for any significant period of time prior to attending law school. In addition, effective January 1, 1985, the Alaska Supreme Court approved amendments to the Bar Rules which allow

M. Mike Miller

- 2 -

January 23, 1985

for admission without examination (reciprocity). This will most likely bring more applicants from other states who have been out of school for a longer period of time.

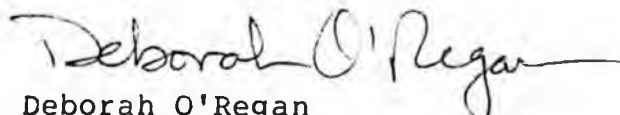
Having access to FBI records, which contain information submitted by all states, would enhance our character investigation and background check on bar applicants, and assist us in adding a further level of protection to the public.

I have taken the liberty of enclosing suggested language for such legislation. As the attached correspondence indicates, the FBI has approved similar language in other jurisdictions.

Any support you could give the Association in the submission of a short bill for this purpose would be greatly appreciated. Thank you for your time and consideration of this matter. Should you need additional information, please do not hesitate to contact me.

Sincerely,

ALASKA BAR ASSOCIATION



Deborah O'Regan
Acting Executive Director

Enclosure

cc: Members, Board of Governors

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. It is the duty of all state, county and city law enforcement officers to aid the Board of Governors of the Alaska Bar Association in any investigation of the conduct of members of the bar, and the character and fitness of persons who apply for admission or reinstatement to the bar, and to furnish all available information about the members or persons.

Section 2. The Board of Governors of the Alaska Bar Association shall require that an applicant for admission to the Alaska Bar Association be fingerprinted to determine whether the applicant has a record of criminal convictions in this state or in other states. The information obtained as a result of the fingerprinting of an applicant shall be limited to the official use of the Board of Governors of the Alaska Bar Association in determining the character and fitness of the applicant for admission to the Alaska Bar Association.

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20537

Date August 26, 1983

TO: Mr. Randall Burns
Director of Alaska Bar Association
Post Office Box 100279
Anchorage, Alaska 99510

Pursuant to your telephone conversation with
Mr. Melvin D. Mercer on August 24, 1983, enclosed is
a copy of the Michigan Statute for Admission to the
State Bar. This Statute has been approved for sub-
mission of these fingerprint cards and dissemination
of Identification Division records.

Enclosure



Melvin D. Mercer, Jr.
Chief

James P. Gray
by James P. Gray
Paralegal
Recording Section

Identification Division
FBI

STATE BOARD OF LAW EXAMINERS
RECEIVED

APR 04 1980

DENNIS DONOHUE
ASSISTANT SECRETARY

P.A. 69 of 1980
Signed by the Governor
April 3, 1980 at
8:32 a.m.

STATE OF MICHIGAN
80TH LEGISLATURE
REGULAR SESSION OF 1980

Introduced by Rep. Clodfelter

ENROLLED HOUSE BILL No. 4948

AN ACT to amend section 949 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," being section 600.949 of the Compiled Laws of 1970.

The People of the State of Michigan enact:

Section 1. Section 949 of Act No. 236 of the Public Acts of 1961, being section 600.949 of the Compiled Laws of 1970, is amended to read as follows:

Sec. 949. (1) It is the duty of all state, county, and city law enforcement officers to aid the state bar of Michigan and the board of law examiners in any investigation of the conduct of members of the bar, and the character and fitness of persons who apply for admission or reinstatement to the bar, and to furnish all available information about the members or persons.

(2) The board of law examiners shall require that an applicant for admission to the state bar of Michigan be fingerprinted to determine whether the applicant has a record of criminal convictions in this state or in other states. The information obtained as a result of the fingerprinting of an applicant shall be limited to the official use of the board of law examiners and the committee on character and fitness of the state bar of Michigan in determining the character and fitness of the applicant for admission to the state bar of Michigan. After approval of the applicant by the board of law examiners, all fingerprint records and cards shall be returned to the applicant or destroyed.

(3) After the effective date of this amendatory act, all fingerprint records and cards being held by the state bar of Michigan shall be destroyed.



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James O. Smith
Signature of Camera Operator

7/25/89
Date

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May, 1986

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Jeanie Henry

House Judiciary

3/11/85

1:30 pm

3/13/85

1:30 pm

"

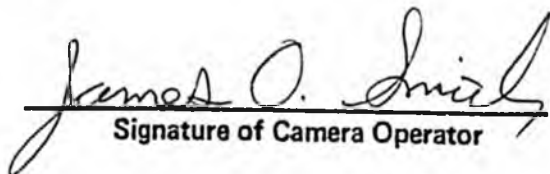
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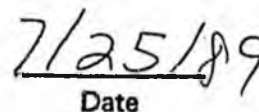


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Signature of Camera Operator


Date

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May, 1985

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Jeanie Henry

House Judiciary

3-4-85

1:30 pm

COPY

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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 19, 1985

SUBJECT: Catchline for AS 22.15.080

TO: Robert B. Sweeney
Senior Editor, The Michie Company

FROM: David R. Dierdorff
Revisor of Statutes

We have been asked by the House Judiciary Committee to change the catchline for AS 22.15.080 from "Venue" to "Change of venue." Since that catchline would be more descriptive, and would also parallel the catchline for AS 22.10.040, please make the change in the 1985 supplement to binder 5 and in the 1985 update tape for the database.

DRD:csh
c3/011

cc: House Judiciary

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James O. Smith
Signature of Camera Operator

7/25/89
Date

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l z o o

CSHB 284(R1s)am

Nays: 4 Collins, Furnace, Jenkins,
Uehling

Excused: 0

Absent: 5 Duncan, Fuller, Shultz, Sund,
Thompson

And so, CSHB 284(R1s)am passed the House on reconsideration.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clauses. There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that the House adopt the Rules Committee Letter of Intent (page 2795). There being no objection, it was so ordered.

CSHB 284(R1s)am was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESSCSSB 138(Fin)am

The Speaker waived the Judiciary Committee referral on COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 138 (Finance) amended (relating to pricing and marketing of alcoholic beverages) at the request of the Chairman.

CSSB 138(Fin)am was sent to the Rules Committee for placement on the calendar.

HB 418

Representative Collins added her name as co-sponsor to HOUSE BILL NO. 418 (relating to liability for providing emergency medical care).

1. ON THE 15TH DAY FOLLOWING

on the 10th [15TH] day
and"

284(R1s)am be returned to
of specific Amendment No.
following result:

nk, Furnace, Hanley,
t'n, Miller, M.W.,
ce, Pettyjohn,
nalberi, Rieger,
lor, Uehling

ey, Boucher, Cato,
tten, Davis, Goll,
russendorf, Herrmann,
nen, Larson, Marrou,
Pourchot, Szymanski,

er, Shultz, Sund,

"Shall CSHB 284(R1s)am
taken with the following

ey, Boucher, Cato,
tten, Davis, Frank,
erg, Grussendorf,
ann, Hurley, Koponen,
pu, Martin,
Miller, M.W., Navarre,
yjohn, Phillips,
Pourchot, Rieger,
ymanski, Taylor,

Senator Vic Fischer

(907) 465-4954

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



February 7, 1985

To: Senate Members and Interested People

From: Senator Vic Fischer *VF*

Re: SB 138 Pricing and Promotion of Alcoholic Beverages

This measure limits practices that encourage excessive drinking through promotions such as two for one specials, jumbo drinks at regular prices and other happy hour specials. Massachusetts, Michigan, New Jersey, and Ohio have also outlawed similar forms of liquor promotion.

This bill prohibits premises where alcoholic beverages are sold by the drink to offer free or discounted drinks, or to deliver alcoholic beverages to a person possessing two or more. Drinking contests and alcoholic beverages as prizes would also be banned.

Private functions are not affected. In addition, nothing prevents the license holder from offering free food or entertainment, or from serving wine by the bottle or carafe or beer by the pitcher with meals.

Alcohol abuse is one of, if not, the major health risk facing Alaskans. A 1984 Department of Health and Social Services survey showed alcohol abuse to be the number one concern. Alaska has the 12th highest percentage of acute drinkers in the nation and has the third highest number of chronic drinkers.

Senator Vic Fischer

Alaska State Legislature • P.O. Box V • Juneau, Alaska 99811 • (907) 465-4954



February 28, 1986

M E M O R A N D U M

To: Senator Jan Faiks, Co-Chair
Senate Finance Committee

From: Senator Vic Fischer

Re: SB 138 - Happy hour bill

Attached is backup information on SB 138, relating to pricing and promotion of alcoholic beverages. SB 138 passed the Senate State Affairs Committee unanimously last week and was waived from the Judiciary Committee on Wednesday, February 26. SB 138 is supported by MADD, the Department of Health and Social Services and has a zero fiscal note.

I request that you either waive the Finance referral on SB 138 or, short of that, schedule the bill for a hearing before the Finance committee at your earliest convenience.

Please let me know if you have any questions or need additional information.

Thanks.

Alaska State Legislature

Senator Mitch Abood
CHAIRMAN

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714



Senate Committee on State Affairs

Letter of intent - Senate State Affairs

SB 138 - An Act relating to pricing and promotion of alcoholic beverage.

February 20, 1986

It is the intent of the Senate State Affairs Committee in adopting the committee substitute for SB 138, that licensee's of premises where alcoholic beverages are sold by the drink be prohibited from sponsoring "happy Hours" and similar types of alcohol promotion that encourage excessive drinking.

The committee intends that such prohibitions be applied only to actions of the licensee or licensee's agent and not to actions of individuals patrons. Specifically, the Committee intends that the prohibition in Sec. 04.16.015(6) against encouraging or permitting organized games or contests that involve drinking alcoholic beverages or awarding alcoholic beverages as prizes be limited to licensee's or their agents and not to individual patrons.

POSITION PAPER

SENATE BILL 138

"An Act relating to pricing and promotion of alcoholic beverages."

From a public health perspective the Department of Health and Social Services is highly supportive of SB 138. Research supports the contention that lower prices of beverage alcohol leads to higher consumption resulting in increased alcohol health-related problems.

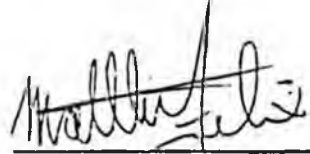
The effect of alcoholic beverage pricing and promotional activities are to increase consumption via lower prices, creating settings conducive to more drinking. The timing of such promotions, often occurring in the early evening following the work day, can also enhance the effects of alcohol since drinkers are often tired and haven't eaten. These situations also contribute to drinking and driving. This is particularly true in Alaska where the automobile, as opposed to public transportation, is the primary method of transportation. Additionally, crowded situations brought on by Happy Hours make it difficult for drink servers to determine whether patrons are of legal age or are intoxicated.

As of 1984, 12 states had restricted alcohol-price promotions to at least some degree and twenty states were considering such legislation. In recent years several military installations have banned Happy Hours as a strategy for reducing the rates of alcohol problems they were experiencing.

In a 1977 study Harvard researchers indicated that both casual and heavy drinkers consumed about twice as much alcohol under Happy Hour conditions than did their counterparts under non-Happy Hour conditions.

The Department would be pleased to provide any additional information relating to SB 138.

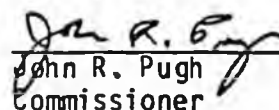
Recommended by:


Matthew C. Felix
Coordinator
Office of Alcoholism/
Drug Abuse

Date:

2/19/86

Approved by:


John R. Pugh
Commissioner
Department of Health
& Social Services

Date:

2/19/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 138
 Title : "An Act relating to pricing and promotion of alcoholic beverages."
 Sponsor : V. Fischer
 Requestor : Senate State Affairs Committee
 Date of Request : 2/8/86

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : Alcoholism and Drug Abuse
 Components : Alcohol Abuse

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Matthew C. Felix *Matthew C. Felix* Phone : 586-6201
 Division : ALCOHOL + DRUG ABUSE Date : _____

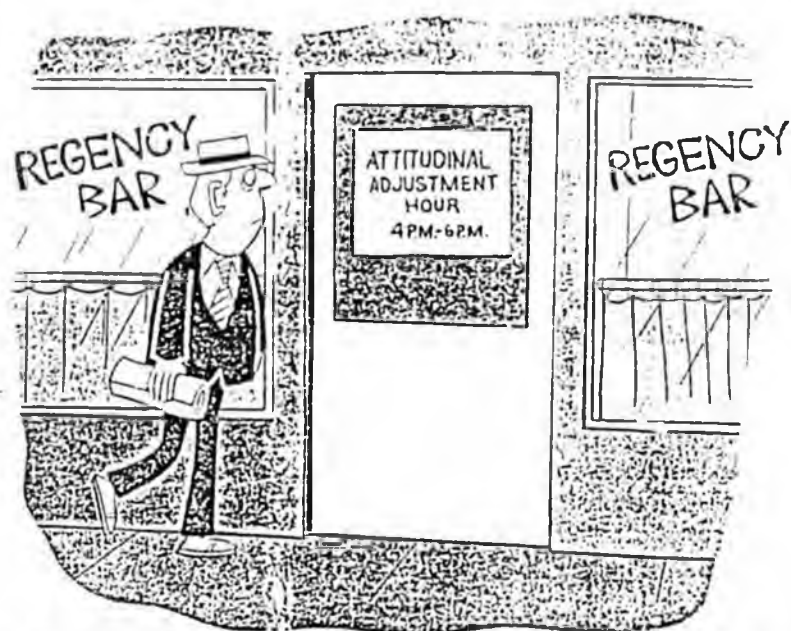
Approved by Commissioner : John R. Pugh *John R. Pugh* Date : 2/19/86
 Agency : HEALTH + SOCIAL SERVICES // 1 1

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

MORE AMERICAN THAN
HOT DOGS AND APPLE PIE?

HARVARD RESEARCH TEAM

STUDIES THE HAPPY HOUR



Some interesting conclusions, and a few implications for alcohol problems prevention programs . . .

Amid the canyons of Wall Street's skyscrapers in lower Manhattan, stock brokers and clerks unwind at their favorite tavern after a hectic day.

Chicago businessmen tarry in the "loop" before catching the "L" to the suburbs, taking advantage of bargain drink prices during the Cocktail Hour.

In Ghiairelli Square, San Francisco natives mix with tourists as they celebrate the Happy Hour at their favorite bar.

At the Regency Bar, just across the street from General Motors headquarters in Detroit, auto executives stop to take part in the "Attitudinal Adjustment Hour."

By whatever name, the time between 4 and 7 in the evening has become a time for millions of Americans to take advantage of bargain prices for Martinis, Screwdrivers, White Wine and other alcoholic beverages at local bars and taverns, offered as an inducement to boost off-hours business.

It is obvious that Cocktail Hours are good for the liquor business, but what impact does this custom have on drinking behavior and the development of alcohol-related problems?

THREE FACTORS INVOLVED

Alcoholism, problem drinking and the wide range of behaviors generally classified as alcohol-related problems involve three factors: the substance (alcohol), the individual (the drinker) and the environment which surrounds various drinking behaviors.

Although there is considerable data available on both the substance and the drinker, there has been less research on environmental factors.

A team of researchers from the Alcohol and Drug Abuse Research Center at Harvard Medical School recently completed a study which offers insight into the implications of the Cocktail Hour.

HARVARD RESEARCHERS STUDY "HAPPY HOUR"

Thomas F. Babor, Ph.D., Jack H. Mendelson, M.D., John C. Kuehnla, M.D. and Isaac Greenberg, Ph.D., under a grant from the National Institute on Drug Abuse, studied the influence of purchase price on drinking behavior in an experimental analysis of the Happy Hour. Their findings were presented in a paper at the 39th Annual Scientific Meeting of the Committee on Problems of Drug Dependence at Cambridge, Massachusetts, July 9, 1977.

In this article, we will share some of the highlights of the study, and attempt to relate these findings to the development of alcohol problems prevention programs.

EXPERIMENTAL CONDITIONS

Although the setting was not in a local bar, the researchers provided comfortably furnished quarters, including TV, stereo and a variety of recreational materials for their subjects through a live-in facility at McLean Hospital.

The study was divided into three phases:

- 1) An alcohol-free baseline period of 5 days.
- 2) A 20-day period of alcohol availability.
- 3) A post-drinking baseline phase of 5 days.

Subjects were able to earn "points" by performing simple tasks, and then exchange their "points" for money. Alcoholic drinks (beer, vodka, bourbon, gin or scotch) could be purchased at any time of the day or night for the 20-day test period.

During the Happy Hour (from 2 to 5 p.m. each day), drinks sold for 25¢ each. For the rest of the time, all drinks were 50¢ each. Subjects could order their drinks from staff nurses, dressed in casual attire, and consume them either in their bedrooms or in the social hall.

SUBJECTS

The subjects were primarily middle class single males in their early 20's, recruited through newspaper ads. Their intelligence level was above average, and the two groups did not differ substantially in years of drinking or on scores achieved on the social drinking scale.

However, heavy drinkers drank more frequently, consumed greater daily quantities, and scored higher on the measure of "escape" reasons for drinking.

Casual drinkers were persons who defined themselves as light or fairly light alcohol users, and who reported an average daily consumption of less than 2 oz., with less than 5 episodes of drunkenness per month.

Heavy drinkers were persons who reported an average daily consumption of more than 2 oz. of alcohol per day, and who imbibed on more than 15 occasions per month, and who got drunk more than 5 times per month.

FINDINGS

Findings of the Harvard researchers indicated that both casual and heavy drinkers consumed more alcohol under Happy Hour conditions than did their counterparts under Non-Happy Hour conditions.

Casual drinkers in the Happy Hour condition consumed 20.9 drinks per subject, or an average of 1 drink per day. This was twice the amount drunk by their counterparts in the Non-Happy Hour condition (10.1).

Heavy drinkers in the Happy Hour condition drank a total of 117.6 drinks per subject (an average of 6 per day) compared to 49.6 for the Non-Happy Hour subjects.



Heavy drinkers consumed approximately five times the amount of alcohol as casual drinkers in their respective Happy Hour and Non-Happy Hour conditions.

Although casual drinkers with Happy Hour consumed twice as much as those without Happy Hour, both groups spent approximately the same amount of money for their total purchases.

On the other hand, heavy drinkers with Happy Hour spent almost twice as much as those without.

The Harvard researchers also found that the Happy Hour condition did not exert a kindling or priming effect. Rather, drinking by Happy Hour subjects returned to "normal" levels following the price increase.

Through breathalyzer tests, the subjects were checked for blood alcohol levels under both Happy Hour and Non-Happy Hour conditions. Data from these checks indicated that the reduced price of drinks was a positive influence on the frequency of intoxication of the subjects.

BEER, THE BEVERAGE OF CHOICE

And, the beverage of choice for both casual and heavy drinkers was beer. Casual drinkers purchased 75% of their alcohol in the form of beer, while the figure was over 80% for the heavy drinkers.

To summarize, the findings of the Harvard research team indicated that whatever other personal or social factors affect drinking behavior, the availability of alcohol at a reduced cost (or, as is frequently the case at cocktail parties, without cost) can be a powerful determinant of both drinking and intoxication.

Although the concentration of drinking during Happy Hour resulted in the highest rate of drinking for any three hour period, it is significant that drinking during Happy Hour was not a substitute for consumption during other times of the day. Alcohol consumption by Happy Hour subjects during subsequent three-hour blocks was indistinguishable

from that of subjects without Happy Hour. Thus the additional drinking during Happy Hour was superimposed on their more typical pattern of alcohol consumption over the 20-day period.

FINDINGS CONSISTENT WITH OTHER RESEARCH

These results are consistent with a study by Bigelow and Liebson in which a progressive cost schedule reduced high density drinking in alcoholics. The converse was also true of the present study: a regressive cost schedule stimulated high density drinking.

MILITARY CURBS "HAPPY HOURS"

There are several important implications in these findings for alcohol problems prevention programs.

More than a year ago, General George S. Blanchard, Commander of the U.S. Army troops in Europe, ordered that Happy Hours in military clubs be discontinued. Reducing the easy availability of cheap liquor to both officers and enlisted personnel has helped to cut down on the incidence of drunkenness and absenteeism due to alcohol-related illnesses.

If the easy availability of alcoholic beverages at reduced prices through Happy Hours, or at no cost at all through Cocktail Parties, encourages overindulgence and promotes drunkenness, it may be time to seriously question this grand old American custom.

HIGH-RISK CONDITIONS

More than two decades ago, Lofgren (in his book, *Alcohol and Civilization*) noted that the conditions surrounding Cocktail Parties and Happy Hours are in themselves danger signs. Because of fatigue, low blood sugar levels and lack of food, the individual who drinks in the late afternoon is likely to be more sensitive to the physical effects of alcohol than at any other time of the day.

The present research showed that the Happy Hour dramatically increased the rate of consumption (more drinks in the same amount of time). Rapid intake of large amounts of alcohol has been associated with greater impairments in motor control and information processing, possibly because this pattern of consumption does not allow sufficient time for adaptation to the acute effects of intoxication.

The data from the Harvard researchers also indicated that average daily consumption more than doubled for subjects with Happy Hour over a 20-day period. In view of accumulating epidemiological evidence linking physical health problems with chronic heavy alcohol use, any factor capable of producing hazardous consumption levels would have clear implications for alcohol problems prevention programs.



While the amount of daily alcohol intake contributing to excess mortality from cirrhosis, cancer and other chronic diseases has not been clearly established, Schmidt and Popham have estimated that it is almost certainly substantially less than a daily equivalent of 120 grams and possibly below 60 grams. The average daily consumption of heavy drinkers in the Harvard study was well above 120 grams.

The findings raise some interesting questions about the interaction between the drinker and his environment in the development of problem drinking and chronic alcoholism.

ENVIRONMENT COULD TRIGGER PREDISPOSITION

Heavy drinking is often explained by means of psychological constructs such as anxiety, low self-esteem and depression. These present findings suggest that heavy consumption can also be affected by rather impersonal environmental contingencies. Thus, the assumption that problem drinking and loss of control are characteristics residing solely in the drinker may have to be revised to accommodate the interaction between personal dispositions and the circumstances which reinforce these dispositions.

To the extent that Happy Hour reinforces the gulping of individual drinks, the massing of successive drinks and the consumption of straight drinks, it is likely to facilitate the learning and repetition of those behaviors.

It is also likely that economic incentives such as Happy Hour may differentially affect those drinkers who have already developed cognitive supports for their drinking. In the present study, heavy drinkers not only consumed significantly more than casual drinkers, they also reported greater numbers of escape or personal-effects reasons for their drinking.

An interactive model of drinking behavior would view heavy drinking as a potential behavior pattern which is released under appropriate environmental circumstances.

The greater number of cognitions a person has developed to support his drinking behavior (e.g. "A drink helps me forget my worries."), the more likely he is to respond to social or economic conditions which facilitate alcohol consumption.

IMPLICATIONS FOR PREVENTION PROGRAMS

Alcohol problems prevention programs, to be effective, must impact on all three elements which are involved in the development of problem drinking and alcoholism—the person, the substance and the environment.

Not as a substitute for prevention programs which relate to either the individual or the substance, alcohol, but in addition to such approaches, we ought to consider what can be done to alter drinking environments which are conducive to overindulgence and the development of patterns of alcohol abuse.

It has been suggested that overall alcohol consumption could be reduced through a taxation policy which would increase the price of beer, wine and liquor. This suggestion has added value in that it could also produce additional revenue which could be channeled into alcohol problems prevention and treatment programs.

In commercial establishments, public policy could call for standard prices for drinks at all times, no price reductions for Happy Hours.

Increased taxes, standard drink prices and similar public policy changes would be difficult to bring about, and it would take time to develop a consensus among lawmakers for such moves.

Doing away with Happy Hours in the military may be a relatively simple project, but it would be much more difficult to institute such a policy change in the rest of society.

A GOOD PLACE TO BEGIN

One place to begin might be for organizations dealing with alcohol problems to voluntarily do away with Cocktail Hours at their meetings.

It is not uncommon for alcoholism and alcohol education groups to sponsor Cocktail Hours prior to luncheon or dinner meetings. One occasion comes to mind where a prominent insurance company sponsored a luncheon at which awards were given out to representatives from schools within a 150 mile radius for their outstanding work in carrying out programs to discourage drunk driving. Cocktails were served, beginning at 11:30 a.m. and the luncheon was not served until 12:30 p.m. Several who had driven more than a hundred miles to attend the luncheon were noticeably affected by their

pre-luncheon imbibing, and when the awards were handed out, the response of one person who had overindulged proved to be an embarrassment to all at the meeting.

In the early years of the alcoholism movement, it was difficult to get people interested in joining the battle to provide treatment and rehabilitation for the victims of alcoholism.

Particularly during the years immediately following the repeal of Prohibition, alcoholism workers were sensitive to the charge that they were trying to "bring back Prohibition" rather than provide services to help alcoholics.

In part, to demonstrate that they were not "against drinking" and that they were not trying to "bring back Prohibition," many of those in the alcoholism movement went out of their way to demonstrate their acceptance of alcohol use (for those who were not alcoholic).

Now that the alcoholism movement has matured, it ought to be comfortable in setting a good example by doing away with Cocktail Hours in connection with their official meetings.

Such an example might help the rest of society to take a critical look at the implications of that grand old American custom.

WHAT'S WRONG WITH THE COCKTAIL HOUR?

One of the most scathing indictments of the Cocktail Hour is found in the following quotation:

"Standing around uncomfortably in a crush of people, most of whom we don't know, makes us want to gulp that first drink. People like to think that the alcohol at cocktail parties makes it easier to get acquainted and cite the fact that strangers will frequently pour out intimate details of their lives at these parties.

In my judgment, these outpourings are proof of just the opposite. A relative stranger sharing intimacies so freely in such an inopportune circumstance is, in a sense, speaking to himself because his inhibitions have been put to sleep. He is not relating to you.

Indeed, if I had to come up with an unhealthy drinking situation, it would be the American cocktail party. It is a contribution to the world's drinking practices that I wish we had not made."

And the source for that derisive denunciation is none other than Dr. Morris Chafetz, in his best-selling book, *Why Drinking Can Be Good For You*.

Getting rid of Happy Hours and Cocktail Parties does not mean that you are against drinking. It means that you are against those unhealthy environmental conditions which are contributing to problem drinking and alcoholism.



It has been observed that the cocktail party may be the most common form of organized drug taking in the Western world. Despite the pervasiveness of this ritual and its many variations in American culture (the Happy Hour, the Social Hour, etc.), few students of drinking behavior have addressed themselves to the social or economic factors which account for its popularity.

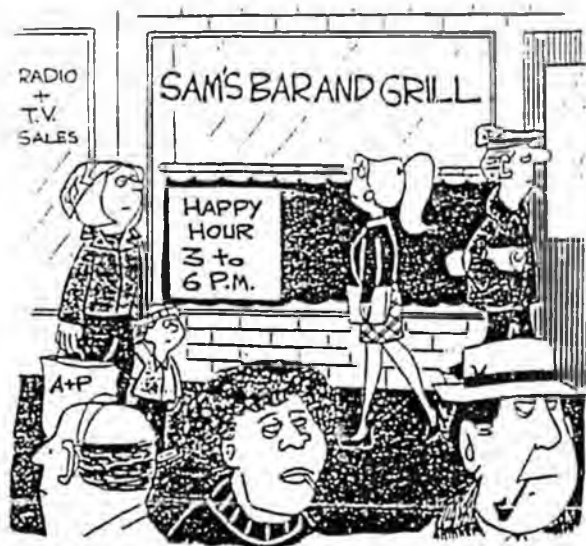
Lolli has classified under the term Cocktail Hour "all those drinking experiences which occur after the daily activities have ended and before the evening meal is eaten." The Harvard researchers examined experimentally one variation of this popular custom known as the Happy Hour.

ORIGIN OF "HAPPY HOUR"

The origin of the term Happy Hour may derive as much from its economic as its social connotations. One explanation attributes it to a discount drink policy which, because of legal restrictions on advertising alcoholic beverages, could only be publicized under the euphemism "Happy Hour."

Like its more generic counterpart, the Cocktail Hour, the Happy Hour typically occurs in the afternoon during off-peak hours. In addition to the reduced drink prices, an informal survey of establishments in the Boston area revealed such variations as free drinks with the standard cover charge, a free drink with each third purchase (referred to as "buy backs") and, in one tavern, a roulette wheel which sets the drink price each quarter hour.

Whatever its variations, the Happy Hour provides a context for socializing, an opportunity to consume alcohol at bargain prices, and a greater volume of business for the entrepreneur.



LACK OF RESEARCH ON ENVIRONMENTAL FACTORS

Although there has been a great deal of research on the physical and personal determinants of drink-

ing behavior, there has been considerably less attention to the environmental factors which affect consumption.

There is one school of thought which holds that the price of alcoholic beverages has little or nothing to do with consumption patterns or drinking behavior. This theory has been espoused particularly by those within the liquor industry as a defense against higher taxes and price controls.

ECONOMIC FACTORS AND DRINKING BEHAVIOR

However, research by Brenner, Popham, Schmidt and others has shown the following relationship between economic factors and drinking behavior:

- Long-term increases in personal income tend to result in a higher per capita consumption of alcoholic beverages.
- Short-term decreases in personal income (due to strikes, layoffs, job losses, etc.) also tend to result in a higher per capita consumption of alcoholic beverages.
- Per capita consumption of alcohol tends to be high in countries where alcoholic beverages are inexpensive in relation to disposable income.

In other words, the more money people have, in terms of disposable income, the more they tend to spend on alcohol. They drink more. With less disposable income, people tend to spend less on alcoholic beverages, and drink less. The exception to the rule may happen when workers are on strike, or when a person is out of work (and shorter and disposable income.) Probably as a result of worry, anxiety, or just having more time on his hands, the person tends to imbibe heavier.

QUESTIONS POSED

The Harvard researchers wanted to find out more about the influence of purchase price on the drinking behavior of both normal and heavy drinkers. They posed three questions:

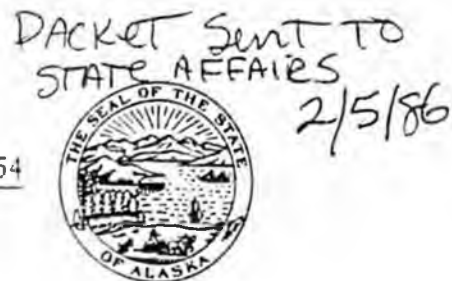
- 1) Would reduced drink prices, characteristic of the Happy Hour, cause drinkers to increase their alcohol intake?
- 2) Would Happy Hour conditions affect normal drinkers and heavy drinkers in different ways, or would the effect be the same?
- 3) If it turned out that Happy Hour conditions resulted in increased drinking, would this have a kindling or "priming" effect on subsequent drinking?

In order to answer their questions, the Harvard researchers designed an experimental situation which would test drinking patterns under Happy Hour conditions over a period of 30 days.

Senator Vic Fischer

(907) 465-4954

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



February 7, 1985

To: Senate Members and Interested People

From: Senator Vic Fischer *VF*

Re: SB 138 Pricing and Promotion of Alcoholic Beverages

This measure limits practices that encourage excessive drinking through promotions such as two for one specials, jumbo drinks at regular prices and other happy hour specials. Massachusetts, Michigan, New Jersey, and Ohio have also outlawed similar forms of liquor promotion.

This bill prohibits premises where alcoholic beverages are sold by the drink to offer free or discounted drinks, or to deliver alcoholic beverages to a person possessing two or more. Drinking contests and alcoholic beverages as prizes would also be banned.

Private functions are not affected. In addition, nothing prevents the license holder from offering free food or entertainment, or from serving wine by the bottle or carafe or beer by the pitcher with meals.

Alcohol abuse is one of, if not, the major health risk facing Alaskans. A 1984 Department of Health and Social Services survey showed alcohol abuse to be the number one concern. Alaska has the 12th highest percentage of acute drinkers in the nation and has the third highest number of chronic drinkers.

SCOTT & WESLEY GERRISH
MEMORIAL

M A D D

ANCHORAGE, ALASKA
CHAPTER

MAILING ADDRESS:
711 H Street, Box 108
Anchorage, Alaska 99501

(907) 279-MADD

BUSINESS ADDRESS
733 West 4th Avenue
Anchorage, Alaska 99501

March 21, 1985

Senator Vic Fischer
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Fischer,

MADD supports the enclosed bills that have been introduced in the legislature this year.

Singly and collectively, these bills will contribute to reducing the incidence of drunken driving. While there has been a reduction in the number of drunk driving fatalities, we have a long way to go.

You may recall that in the decision in the case of State of Alaska vs Erickson, the state Supreme Court commented that alcohol is more dangerous than cocaine. Because of several laws passed by the legislature in recent years, Alaska is establishing itself as a progressive state in matters relating to reducing alcohol abuse. We urge you to continue this fine record by passing these bills.

Sincerely,



Katherine Bigler, President
Anchorage Chapter MADD

MOTHERS
AGAINST
DRUNK
DRIVERS

1985 Legislative Bills
Supported by MADD

House Bill No.3 - Open alcoholic containers in motor vehicles.

House Bill No.55 - Licensed premises.

Senate Bill No.69 - Licensing and regulation of the sale and distribution of alcoholic beverages; and providing for an effective date.

Senate Bill No.73 - Identification of persons arrested for D.W.I.

Senate Bill No.74 - Driving while intoxicated.

Senate Bill No.75 - Suspension of the privilege to obtain a driver's license.

Senate Bill No.76 - Rights of prisoners and amending Rule 5 (b).

Senate Bill No.136 - Increasing the membership of the A.B.C. Board.

Senate Bill No.138 - Pricing and promotion of alcoholic beverages.

December 12, 1985

To: Senator Vic Fischer
From: Ginger Bain
Re: Status of Municipal ordinance banning "happy hours" etc.

Municipal ordinance 85-128S was adopted August 13th, 1985. Parts of the ordinance, specifically the requirement for training courses for people who serve alcohol, did not become effective until December 1, 1985.

Ordinance 85-128S requires:

- prohibits 2 for 1 sales
- prohibits advertising free drinks
- prohibits selling drinks at any reduced price
- prohibits drinking contests or games based on drinking
- requires bars to "provide access" to public transportation for those patrons apparently under the influence of alcohol
- requires that bars put visible notice about the legal penalties for drunk driving and penalties for selling to a minor or to anyone under the influence of alcohol
- requires bars to serve non-alcoholic drinks
- requires people who serve alcohol to complete a training course approved by the state ABC board

The municipality has no real ability to enforce this ordinance. Enforcement comes indirectly through the Assembly. When a liquor license is up for renewal, the Assembly will look at how they have complied with this ordinance and make recommendations to the ABC board, based on that compliance. It is unlikely that the ABC board would choose to renew a license when the Assembly has recommended against renewal based on violation of a municipal ordinance.

However, the muni can't require anything from the state ABC Board - which is why we need your bill not just a municipal ordinance!

Anchorage Times
A-13 3/14/85

Happy hours increase consumption of booze

Dear Editor:

It should come as no surprise that MADD (Mothers Against Drunk Drivers) is disappointed with your March 1 editorial comments in support of "Happy hours" in bars.

Our office regularly receives telephone calls from individuals who are worried about their spouse driving home in the evening after having spent a few

hours in a bar during a happy hour.

The happy hours take several forms — two for the price of one, three for the price of one, mixed drinks by the pitcher, free beer without a limit on consumption. It is a well established fact that price and consumption of booze are closely related — the lower the price the greater the consumption.

Several bar owners have told us they are philosophically opposed to happy hours, but schedule them to meet the competition.

Sen. Fischer's bill should be supported to help reduce drunken driving.

Katherine Bigler
President
Anchorage Chapter MADD

For the industry, it represents a first step toward deregulation. For consumers, it represents a chance for price competition in many markets and protection from the remaining monopolies. For the commission, it represents the new regulatory tools needed to manage a complex and rapidly changing industry.

The details of the compromise were hammered out through a lengthy hearing and negotiation process conducted by the Joint Select Committee on Telecommunications, a special, bipartisan study committee created in 1983. Because the committee was funded by the WUTC's dedicated revolving fund, and staffed by two attorneys specializing in telecommunications issues, it was able to examine, in depth, all facets of the industry. The committee held 15 hearings, sponsored a symposium on state regulation of telecommunications at the University of Washington, and attempted to operate on a consensual basis. Because the draft legislation was developed by an expert committee staff, rather than by industry or consumer groups, all parties came to see the resulting bill as a careful attempt to develop a legislative approach emphasizing the public interest.

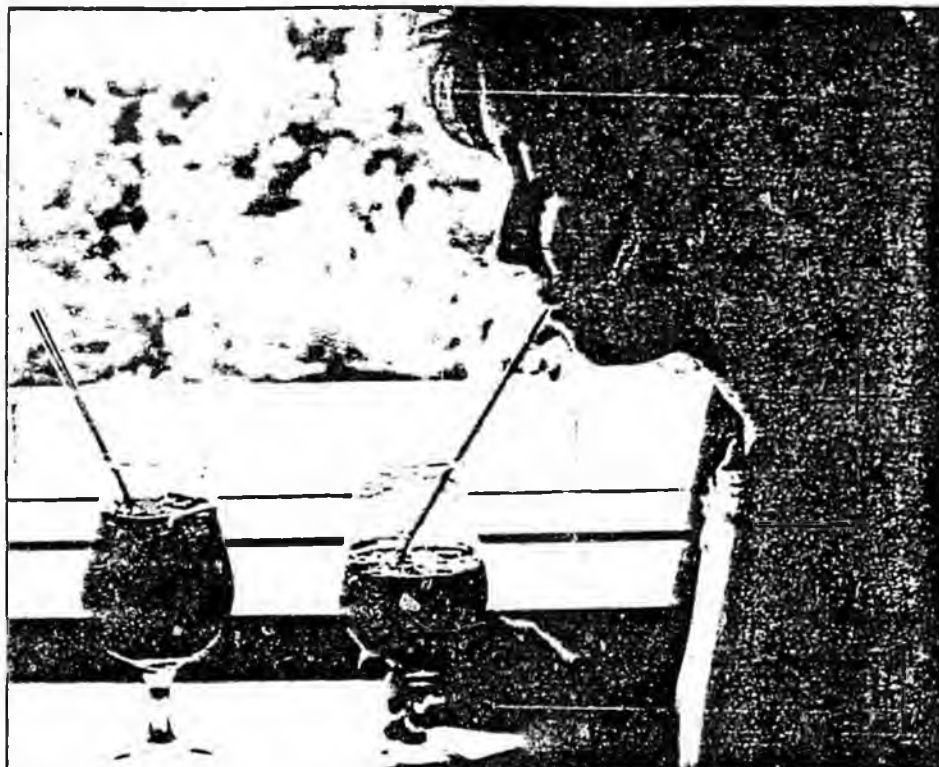
Creating a Joint Select Committee was seen as providing the flexibility the Legislature needs to address new and complex issues. More important, it allowed the Legislature to set the agenda for regulatory reform, rather than simply react to industry proposals.

When the short-term pressures caused by the AT&T divestiture have ended, the Joint Select Committee's work can be taken over by the relevant standing committees or, if appropriate, by a new standing committee. In an era of cutback and consolidation, a carefully chartered study committee can be a needed and welcome legislative addition.

— Senator Al Williams

Senator Williams is chairman of the Joint Select Committee on Telecommunications and the Senate Energy and Utilities Committee of the Washington state Legislature.

'Happy hour': double or nothing



"Two-for-one" and half-price drink specials may someday be a social phenomenon of the past. The institution of "happy hour" is rapidly disappearing as a result of the escalating battle against drunk driving. While happy-hour bans vary in stringency, the message is clear: Overindulgence in alcohol is becoming less acceptable.

Four states — Arizona, Indiana, Kansas, and Oklahoma — have passed legislation this session limiting happy-hour arrangements, and bills were introduced in at least 17 other states. According to Oklahoma state Representative Don Duke, sponsor of that state's measure, a happy-hour law was necessary to "cut down on drunk driving and save lives."

Most happy-hour restrictions, however, are administrative regulations. Delaware, Massachusetts, Michigan, Nebraska, New Jersey, North Carolina, Ohio, and Texas, for instance, regulate drink promotions. George McCarthy, chairman of the Massachusetts Alcoholic Beverages Control Commission, says the potential to save lives justifies the burden of adopting and implementing happy-

hour regulations. Alcoholic beverage control agencies in Pennsylvania, Tennessee, and Virginia are also considering such bans.

Few laws contain the words "happy hour." New Jersey's Division of Alcoholic Beverage Control has a long-standing regulation that prohibits any practice "unduly designed to increase the consumption of alcoholic beverages" through rebates, coupons, or other discounts. Other laws target "two drinks for the price of one" or "all-you-can-drink" and "beat-the-clock" promotions.

The most restrictive regulation is found in Massachusetts. This much-publicized law specifically bans free drinks, delivery of more than two drinks at one time, unlimited drinks during set time periods, and the sale of pitchers of alcohol or beer to fewer than two persons. It also prohibits discounts to specific groups (such as "ladies' nights"), games or contests involving drinking, and increasing the size of a drink without increasing its price.

In general, brewers and distillers have reacted positively to these new laws. "We wouldn't oppose regula-

lions against practices that encourage over-consumption, such as drink-and-drown nights," says Ed Miles, director of state affairs for Anheuser-Busch, Inc. Miles does admit that bans on discounted drinks pose a dilemma for retailers of alcoholic beverages. "There is a place for responsible price promotion at the retail level to promote a particular brand or item," he says. "It is part of the spirit of competitiveness and benefits the consumer to allow the promotion of businesses and brands."

Indeed, many proprietors see happy-hour bans as an infringement on the free-enterprise system, according to Ronnie Hart, executive vice president of the Tennessee Restaurant Association, which opposes the Tennessee Alcoholic Beverage Commission's proposed happy-hour ban. "We're over-regulated as it is," says Hart. "We're people with products to sell and the government shouldn't tell us what the profit margin should be." Although unsure about how harmful such a ban would be to restaurant profits, Hart claims the issue is "the principle of the thing."

A similar attitude was partly responsible for the failure of a Florida measure that, among other things, would have prohibited the dispensing of free alcoholic beverages. Representatives of the hotel and motel industry lobbied against the bill, protesting that it would adversely affect their businesses by preventing hotels from offering complimentary drinks to guests. "The committee members felt it would interfere with free enterprise and we couldn't tell what good it would do," says Representative Wayne Hollingsworth, chairman of the House Alcoholic Beverage Subcommittee, whose members unanimously voted against the bill.

In Rhode Island, interference with free enterprise was the reason the governor's office and many legislators initially opposed Senator Richard Patterson's bill, which would have prohibited any change in alcoholic beverage prices during a given week. But Patterson amended the bill, and the new version was in-

corporated into a House bill sponsored by Representative Charles Baldelli. The new measure, which passed both houses June 21, allows restaurants to discount drinks that are served with meals.

As for the retailers, Senator Patterson said there had been some opposition from bar and tavern owners, but

"we actually thought there would be more." Apparently, many retailers have become reluctant to resist the growing movement against irresponsible drinking. — *Michelle Kissell*

Ms. Kissell is administrative/research assistant in NCSL's Legislative Information Services.

On-line access: Good-bye to legislative paper chasing

Paper chasing has always been a necessary — but burdensome — part of the legislative process. Now, in at least 11 states, lobbyists and lawmakers alike have a new way for the private sector to obtain timely information without the paper chase: direct, on-line access to select legislative data bases.

Alaska, Florida, Illinois, Kansas, Montana, Nevada, New Hampshire, New York, North Dakota, Oregon, and Virginia currently offer such access. Armed with a password and basic computer skills, private-sector users can verify the status of a bill or, in some instances, the wording of a statute, by connecting directly to the legislative computer.

In addition to charging for access, all states except Florida require users to provide their own computers.

The impetus for giving private parties access to legislative data bases has varied from state to state. According to Walter Kesselman, former executive director of the Illinois Legislative Information System and now acting director of Computer and Information Services for the University of Maryland (Baltimore County), Illinois first allowed private-sector access to free up legislative staff. Says Kesselman, "We wanted to get the lobbyists back in their offices and out of our staff offices. And we succeeded."

One of the two commissioners of the New York Legislature's Bill Drafting Commission, David Keiper, tells a different story. "People from

various walks of life — banking, insurance, unions — requested access," he says, giving rise to a test run: a 1984 pilot project successful enough to secure a permanent place for private-sector access. The state now has about 75 outside users. "We have lawyers, lobbyists, private corporations — even IBM is a customer," says Keiper.

Nevada Legislative Council Director Donald Rhodes describes another stimulus for allowing access. 1985 was Nevada's first year for private-sector access, as well as the first year for the Legislature's new information system. The two are interconnected.

"We were told by the vendor that we could offset the costs of purchasing the system," says Rhodes, "[by] selling the information to outside users. It was really just an extension of other services."

But for many states, the issue has not been so simple. In Kansas, cost has been an issue, as it has been in virtually all of the states. At present, Kansas charges only \$100 per session. "It's more of a token fee than a real charge," says Mary Chang, information systems specialist with the Office of the Revisor of the Statutes. "It doesn't actually recover costs." According to Chang, this policy is philosophically based: "The Legislative Coordinating Council wanted to make sure that the data was available to everyone."

In Montana, the issue was a nagging security problem. During the 1983 session, "We ran bill status and

Private-sector access to legislative data bases

State (year access was first allowed)	Cost	Data bases available		
		Bill Status	Statute	Other
Alaska (1977)	No initial fee; \$20/month plus \$15/per hour of use	x	x	(1)
Florida (1971)	No initial fee; \$925 without own equipment; \$250 with own equipment	x		
Illinois (1979)	No initial fee; \$600/year	x		(2)
Kansas (1984)	No initial fee; \$100/session	x		Plus limited House and Senate calendars
Montana (1983)	Initial fee of \$10; fee based on CPU seconds used at ap- proximately 80¢ per CPU second	x		Plus committee agendas
Nevada (1985)	No initial fee; \$300/month	x		(3)
New Hampshire (1985)	Initial fee of \$150; (user must obtain permission from leader- ship to have access); \$1/hour hook-up time plus 25¢ per transaction	x		
New York (1984)	No initial fee; \$1500/year plus per-hour charge for various data bases (4)	x	x	(4)
North Dakota (1983)	No initial fee; \$90/month plus fee based on CPU seconds used at 48¢ per CPU second	x		
Oregon (1981)	Initial fee of \$55; \$20/month plus fee based on computer resources used	x	x	(5)
Virginia (1977)	No initial fee; plus 25¢/trans- action	x		

Notes

- (1) Attorney general's opinions, budget, administrative rules, committee meeting minutes, legislative calendar/committee hearings
- (2) Users can establish a "user's file" tracking only those bills they're interested in.
- (3) Budget status, revenue status, House and Senate calendars and committee agendas
- (4) Full bill status; \$15/hour (quick bill status by bill number, \$17/hour after 10 free hours); statutes: \$25/hour; full text of every bill introduced: \$25/hour; session law: \$18/hour; House/Senate calendars, committee meeting agendas: \$14/hour; legislative digest (summaries of bills in plain English): \$18/hour; New York City Administrative Code and Charter: \$25/hour; record of bills introduced by members: \$18/hour
- (5) Bill status, statutes, attorney general's opinions, state constitution, administrative rules, current session measures, general legislative summary tables, amend and repeal tables, public records, Oregon Supreme Court and Court of Appeals Opinions (limited), committee agendas

the active bills on the same system," says Henry Trenk, director of the Legislative Services Division of the Montana Legislative Council. "The system was not very efficient for letting the public have access, nor was it very secure." During the 1985 session, however, the security problem

was eased considerably by transferring the bill status information to separate computer files.

For Virginia, the problem has been one of support staff time. "We're staffed to support the General Assembly," says Charles Hubbard, director of the Division of Legislative

Automated Systems. "Private-sector access is a sideline. But many outside users feel that the support staff should be familiar with their equipment. "They call and say "This is happening; what in the world have I done now?" " says Hubbard. "It's a real problem."

For North Dakota, competition was a factor in setting policy. Originally, the state planned to offer access to both the bill status system and the statutes. On second consideration, the statutes were dropped from the lineup. "We decided that we didn't want to compete with private companies that could provide that service," says Fran Ely, data processing coordinator for the North Dakota Legislative Council.

Private-sector access also poses resale problems. In most cases, fees buy only limited rights. Alaska, Florida, Kansas, and Virginia have either contractual or policy prohibitions on the resale of information. Illinois contractually prohibits the resale of the method of access, but not the resale of the information. New York passed a bill naming the Bill Drafting Commission the sole party responsible for handling the information in its data bases.

The courts, however, may eventually have to answer the questions concerning on-line access. According to Elaine English, director of the Freedom of Information Center of the Reporters' Committee for Freedom of the Press, "It is clear in all 50 states . . . that public records, regardless of form, are subject to open records laws."

In addition, high access fees could be seen as "negating access rights," says English. "By charging large fees, you allow large lobbying organizations to have access to the information, to be a meaningful participant in the legislative process, but perhaps you deny the small groups that don't have the funds their rightful access to the legislative process."

— Andrea Paterson

Ms. Paterson is a research analyst in VCSL's Mental Health Project and a publications assistant.

THE RALEIGH TIMES

Phone 829-4500

Raleigh, North Carolina, Saturday Afternoon, Dec. 1, 1984

Opinions differ on happy hour dangers

By LUCY INMAN
Times staff writer

Blair Ligon, a 28-year-old graphic designer, ended his workday Wednesday as he does every Wednesday — with a couple of drinks at the Rathskeller restaurant's happy hour.

"This is a refreshing pitstop from the mad rat race," said Ligon, who for the past year has been meeting a dozen or more of his friends at the Hillsborough Street restaurant for the same weekly purpose.

"It's just a good time," Ligon said. "It's one of the few rituals left in my life."

Ligon arrived at the happy hour about 6:20 p.m. and bought two vodka screwdrivers by 7 p.m., when alcohol prices go back to the normal price. Asked if the reduced prices for drinks contribute to the amount he imbibes, Ligon said "Sure." For some in the group, cheap prices justified buying four or five drinks.

Ligon, who also drank two non-alcoholic drinks before leaving his friends, said he has little trouble driving safely from happy hour to home about three miles away.

In Massachusetts, the happy hour ritual will soon be outlawed. Lawmakers in that state passed a law effective Dec. 10 banning

happy hour discounts on drinks. The law is aimed at curbing drunk driving.

Raleigh area law enforcement officials differ on whether happy hours are dangerous.

Raleigh Police Chief Frederick K. Heineman said he thinks happy hours might spare this community from some other dangerous situations.

"Without happy hour you might have more wife beatings and child abuse cases," he said. "I personally like happy hour."

Heineman said he doesn't think happy hours are linked to an increased amount of drunk driving. "People are going to drink.

If anything, happy hours influence which bars people go to to drink. They don't create drinkers, just like lowering the tax on cigarettes wouldn't create smokers."

"By raising the drinking age (from 18 to 19) hopefully we've achieved a more mature group of drinkers," he said. "Adults ought to be able to take care of themselves. But if they don't, we are still going to stop them," he said, noting that his preference for such promotions doesn't limit his assertiveness for safety's sake.

Other law enforcement officials think

See OPINIONS, page 2-A

Opinions differ on happy hour dangers

Continued from page 1-A

some adult motorists are not responsible enough to be tempted by cheap drinks. "Some might drink more than they normally would with this type of special, and that could lead them to be impaired on the road," said Lt. Arnold W. Rector, traffic safety information officer for the State Highway Patrol.

Rector said a law like the one in Massachusetts would have a "psychological effect" like that of the Safe Roads Act. "It appears that it would make a substan-

majority of arrests for driving while impaired and the majority of alcohol-related accidents occur between 11 p.m. and 3 a.m.

While most customers and sellers of alcoholic beverages say happy hour prices alone don't cause extra drinking, they agree that the early evening and late night happy hours have created new crowds for bars that otherwise might depend on rushes of businesses during peak eating and drinking hours. And some say the attraction may encourage more drinking.

ough Street, happy hour is called "Fun Time." During Fun Time, from 4 to 7 p.m. and from 10:30 until closing, prices are reduced for both beer and many mixed drinks.

Some businesses have brought in too much business with happy hours. Crowley's Old Time Favorites, a neighborhood bar and restaurant on Medlin Drive, recently ended its all-night happy hour on Mondays because the business' receipts for alcohol were dangerously approaching the legal limit — 50 percent of business.

deals, however, because he doesn't like the idea of happy hour promotions. "It is not a proper thing for someone who is licensed by the state to do," Hazouri said. "I think we should set a good example, and I don't think it's necessarily a good example to link alcohol with fun."

Some other bar owners agree with Hazouri, and most say they wouldn't mind stopping happy hour.

"There are certain people that only come for specials and that's not the type of customer that bars really want," said Swanson. "We'd be successful without

By LUCY INMAN
Times staff writer

Blair Ligon, a 28-year-old graphic designer, ended his workday Wednesday as he does every Wednesday — with a couple of drinks at the Rathskeller restaurant's happy hour.

"This is a refreshing pitstop from the mad rat race," said Ligon, who for the past year has been meeting a dozen or more of his friends at the Hillsborough Street restaurant for the same weekly purpose.

"It's just a good time," Ligon said. "It's one of the few rituals left in my life."

Ligon arrived at the happy hour about 6:20 p.m. and bought two vodka screwdrivers by 7 p.m., when alcohol prices go back to the normal price. Asked if the reduced prices for drinks contribute to the amount he imbibes, Ligon said "Sure." For some in the group, cheap prices justified buying four or five drinks.

Ligon, who also drank two non-alcoholic drinks before leaving his friends, said he has little trouble driving safely from happy hour to home about three miles away.

In Massachusetts, the happy hour ritual will soon be outlawed. Lawmakers in that state passed a law effective Dec. 10 banning

happy hour discounts on drinks. The law is aimed at curbing drunk driving.

Raleigh area law enforcement officials differ on whether happy hours are dangerous.

Raleigh Police Chief Frederick K. Heineman said he thinks happy hours might spare this community from some other dangerous situations.

"Without happy hour you might have more wife beatings and child abuse cases," he said. "I personally like happy hour."

Heineman said he doesn't think happy hours are linked to an increased amount of drunk driving. "People are going to drink.

in anything, happy hours influence which bars people go to to drink. They don't create drinkers, just like lowering the tax on cigarettes wouldn't create smokers."

"By raising the drinking age (from 18 to 19) hopefully we've achieved a more mature group of drinkers," he said. "Adults ought to be able to take care of themselves. But if they don't, we are still going to stop them," he said, noting that his preference for such promotions doesn't limit his assertiveness for safety's sake.

Other law enforcement officials think

See OPINIONS, page 2-A

Opinions differ on happy hour dangers

Continued from page 1-A

some adult motorists are not responsible enough to be tempted by cheap drinks. "Some might drink more than they normally would with this type of special, and that could lead them to be impaired on the road," said Lt. Arnold W. Rector, traffic safety information officer for the State Highway Patrol.

Rector said a law like the one in Massachusetts would have a "psychological effect" like that of the Safe Roads Act. "It appears that it would make a substantial contribution to safety of North Carolina highways," he said. "Personally I would support legislation like that."

The time of many happy hours — late afternoons — is dangerous because that's also rush hour, Rector said. "Just imagine rush hour around Raleigh. It takes a sober, sane and patient driver to drive under those conditions. And realize that the first effects of alcohol is on the judgment," he said.

According to local and state statistics, the

majority of arrests for driving while impaired and the majority of alcohol-related accidents occur between 11 p.m. and 3 a.m.

While most customers and sellers of alcoholic beverages say happy hour prices alone don't cause extra drinking, they agree that the early evening and late night happy hours have created new crowds for bars that otherwise might depend on rushes of businesses during peak eating and drinking hours. And some say the attraction may encourage more drinking.

Many Raleigh bars and restaurants have happy hours to bring in customers during slow times.

At Ferrari's, a popular bar on Western Boulevard, offers "Beat the Clock" every Thursday.

"Beer starts at 25 cents at eight o'clock and goes up a quarter every hour," Ferrari's owner Paul Swenson said in a interview.

At the Darryl's restaurant on Hillsbor-

ough Street, happy hour is called "Fun Time." During Fun Time, from 4 to 7 p.m. and from 10:30 until closing, prices are reduced for both beer and many mixed drinks.

Some businesses have brought in too much business with happy hours. Crowley's Old Time Favorites, a neighborhood bar and restaurant on Medlin Drive, recently ended its all-night happy hour on Mondays because the business' receipts for alcohol were dangerously approaching the legal limit — 50 percent of business.

"We were selling too much alcohol," owner Patrick Crowley said. On Saturday and Sunday night happy hours, the bar has standing room only.

At Mitch's Tavern on Hillsborough Street, owner Mitch Hazouri said he doesn't like happy hours. Hazouri said that when he raised the price of beer a couple of years ago, "I just didn't raise it for the crowd that comes before eight."

Hazouri said he doesn't advertise any,

deals, however, because he doesn't like the idea of happy hour promotions. "It is not a proper thing for someone who is licensed by the state to do," Hazouri said. "I think we should set a good example, and I don't think it's necessarily a good example to link alcohol with fun."

Some other bar owners agree with Hazouri, and most say they wouldn't mind stopping happy hour.

"There are certain people that only come for specials and that's not the type of customer that bars really want," said Swenson. "We'd be successful without happy hours," he said. He said revenue wouldn't decrease even if the amount of alcohol did because there would be no discounts.

"Places would just have to find another way to compete," Swenson said. But he said he doesn't like the idea of added government regulation in such an unlikely area. "When is somebody gonna be responsible for themselves?"

Brewing Issue

Controversy Is Rising Over Beer Promotions On College Campuses

Brewers Back Pub Giveaways,
Rock Concerts, Athletics;
Is Abuse Promoted Too?

Turning the Gym Into a Bar

By JOHNNIE L. ROBERTS

Staff Reporter of THE WALL STREET JOURNAL

BOSTON—Boston College, "Welcome to Miller Time!"

It is a special night at the campus pub. The waitresses wear Miller beer T-shirts. A Miller banner hangs on a wall. Miller posters are raffled off. Miller beer, at 75 cents a mug, flows from the 30 kegs on tap.

Joseph N. Marrocco, a Boston College senior and Miller's campus representative, combs the throng of about 700 students. Although Budweiser, Stroh's and other beers will have their own promotions later in the year, it was a heady feat for Miller to be first in line. "Miller will be in their heads the next time they go out to buy beer," the 21-year-old Mr. Marrocco says of his fellow students.

Promotional nights are only part of a \$15 million to \$20 million marketing effort that brewers and beer distributors yearly pour into the \$33 billion campus-consumer market. Philip Morris Inc.'s Miller Brewing Co. unit and Anheuser-Busch Inc. sponsor rock concerts. Adolph Coors Co. organizes turtle races on as many as 50 campuses. Brewers support intramural sports, intercollegiate athletics, student philanthropic activities and ski clubs. They place more than \$2 million of campus newspaper advertisements.

'Part of Mainstream'

"We are part of the mainstream of activities," says Michael Roarty, Anheuser-Busch's executive vice president and marketing director.

But controversy is brewing over pitching beer to college students. College officials complain that some promotions—including wet-T-shirt contests featuring braless women and chug-a-lug drinking contests—are in poor taste. Moreover, as many as 90% of students drink, making alcohol the most pervasive problem on many campuses.

The catalyst for the concern about beer promotions, though, is the recent national law requiring states to raise the drinking age to 21 by 1986 to avoid losing federal highway funds. The higher age, which 31 states either already enforce or will enforce soon, in effect outlaws drinking by many of the nation's 12.5 million undergraduate and graduate students.

Generally, however, campus beer promotions continue, even in states that have

promotions, though, is the recent national law requiring states to raise the drinking age to 21 by 1986 to avoid losing federal highway funds. The higher age, which 31 states either already enforce or will enforce soon, in effect outlaws drinking by many of the nation's 12.5 million undergraduate and graduate students.

Generally, however, campus beer promotions continue, even in states that have raised the drinking age. The campus is a crucial battleground for brands trying to capture lifetime fans. "Brand preferences for beer and other consumer products are developed from age 16 to 24," says David Lewenz, G. Heileman Brewing Co.'s manager of young-adult marketing. Winning market shares is all the more crucial now, because sales are declining in the \$12 billion beer industry.

A Right to Advertise?

Because as many as 60% of college students legally may drink, says Mr. Roarty of Anheuser-Busch, "we think we have a right to advertise to those people." Heileman's Mr. Lewenz adds, "When we say it's legal, we hope that when you come of legal age, we hope that you purchase our product."

Most universities allow the promotions, citing traditions of openness and a responsibility to help students deal with alcohol. But colleges clearly have a problem.

"In a free-enterprise system, people are free to promote and advertise products that aren't outright harmful," says Stephen Nelson, Dartmouth College's director of student activities. Yet, he wonders, with students at an age when heaviest drinking occurs, "are we heightening that vulnerability?"

Heavy drinking has long been implicated in vandalism, bad grades and occasional student deaths. Of 1,563 students responding to a survey last spring, more than half were heavy beer drinkers, consuming five or more beers a week, says Cass Communications Inc., an advertising representative for college newspapers.

Effect on Students

John McKillip, a psychology professor at the University of Southern Illinois, says his research shows that a fifth of the university's 20,000 students test poorly or skip class at least once a month because of heavy drinking. Colleges that allow or participate in beer promotions, he says, are "like hospitals running ads for cigarettes in their in-house publications."

Then, too, colleges worry about the liability they may face when drinking students harm themselves or others. Delaware Valley College of Science and Agriculture recently was cleared of liability in a case that resulted from a highway accident involving a student who had been drinking at a sophomore class picnic. But such cases are causing concern among college administrators, according to the National Association of College and University Attorneys.

"Practically every university is encountering alcohol abuse," says the Rev. Edward J. Hanrahan, the dean of students at Boston College, a Jesuit institution with 12,500 students. "We are looking to see if the promotions are contributing to abuse."

Some colleges already have concluded that they are. The University of South Carolina is banning beer ads in the student

Please Turn to Page 20, Column 1

Brewing Issue: Beer Promotions in College Pubs And at Concerts and Athletic Events Spark Debate

Continued From First Page

newspaper, and the University of Massachusetts at Amherst is rejecting distributors' offers to co-sponsor concerts. "We recommend that all beer advertising be taken out of student newspapers and sporting events," says William J. McCord, the director of South Carolina's Commission on Alcohol and Drug Abuse.

Colleges also are drafting rules for beer promotions. The Inter-Association Task Force on Alcohol Issues, made up of several national associations involved in student affairs, in 1983 called on brewers to rid their promotions of sexism, stop emphasizing heavy drinking and to support campus alcohol-education programs.

Anheuser-Busch, Heileman, Coors and Stroh Brewery Co. drafted their own guidelines for their distributors, patterned after the task force's. Alan Easton, Miller's vice president of corporate affairs, says the company leans on its distributors to stick to the guidelines, but he concedes that policing is difficult, especially in bars near campuses. "The promotions we tell them they shouldn't be doing are exactly the things they feel are necessary to attract the young crowd," he says.

Brewers increasingly also are helping finance so-called responsible-drinking programs on campuses. Anheuser-Busch recently opened an informational campaign called "Know When to Say When" that stresses moderation. Since 1976, Miller has contributed \$500,000 to an alcohol-abuse program with chapters on 180 campuses.

But that is a small fraction of what the industry spends to promote beer, so critics charge that brewers merely are trying to head off tougher regulation. Indeed, in a bulletin to its 750 Miller distributors last March, Leonard J. Goldstein, the sales vice president, cautioned that obeying campus marketing guidelines "is critical to preserving our ability to conduct business in the important college market."

Support of Activities

Brewers have promoted on campus for decades, of course. Anheuser-Busch's Mr. Roarty began his career with the brewer as a University of Detroit campus representative in 1953. But promotional efforts became more aggressive in the early 1970s, when the states began to lower the drinking age and brewers generally adopted advanced marketing techniques. "It was about that time the companies started to support intramurals, campus unions, dances and parties," recalls Gary North, the University of Illinois vice chancellor of student affairs.

Now, for example, Moosehead beer, which is imported from Canada by All Brand Importers Inc., provides Boston University's 500-member ski club with Moosehead merchandise and beer at cost, says James Harrington, the club's vice president. The distributor also offers the club use of a Moose costume. "If we have a club meeting, we can have someone standing around in the costume," Mr. Harrington says.

The industry provides a promotional blitz for spring break, too. Together with tourism officials in Florida and other spring-break destinations, brewers offer promotional trips and beach concerts. Miller runs recycling campaigns on Fort Lauderdale Beach, trading Miller merchandise and free calls home for empties and rubbish. Anheuser-Busch grabs stu-

dents' attention along routes to spring-break destinations with coffee-break stops. "Students can pull in, enjoy a cup of coffee and a doughnut and call home," says Mr. Roarty. "No alcoholic beverages are served."

At scores of campuses, brewers help promote athletics. Compliments of Anheuser-Busch, Boston College gave out 1,000 pompoms and 5,000 bandannas—with the Bud logo and the college's eagle mascot—at two football games last year.

Sara Groden, the college's director of sports promotions, says she also negotiated about \$15,000 of promotions from Anheuser-Busch to support sports that lack the high profile of basketball and football. The brewer "will give away things that we can't afford" and help attract crowds, Miss Groden says. Also, "the coaches will send those things out to recruits," which "makes the sport look real important," she says.

Role of Reps

Campus representatives are the brewers' direct link to campus activities, and Miller employs 120 of them. Heileman and Anheuser-Busch employ even more. Boston College's Mr. Marrocco is one of 14 students who promote Miller at major Boston-area colleges, including Harvard, Tufts, Boston University and Northeastern. For \$50 a week, Mr. Marrocco peddles Miller brands to fraternities, dormitories and student-activities directors and also monitors the competition.

Mr. Marrocco has helped Miller book two promotional nights at the campus pub, where manager Michael O'Brien allows one such promotional night a week. They "keep giving us promotional stuff" like painters' caps and T-shirts that draw students to the pub, he says. (The giveaways are tax-deductible for brewers.)

Not all brewers' promotions are welcome. Boston College's student government, which runs student activities on a budget of \$275,000, is torn over whether to accept Miller's co-sponsorship of a campus concert. Some members "see it as student government promoting alcohol," says Jeffrey Thielman, the president. But a large concert costs about \$20,000, so having a co-sponsor is appealing, he says.

Still, administrators don't like the idea. "I'm concerned about institutionalizing alcohol," says Carole Wegman, the college's director of student programs and resources and she opposes Miller's support.

Shootout Is Shot Down

Similarly, at the University of Southern Illinois, Anheuser-Busch's \$40,000 "Busch Shootout" basketball tournament caused considerable opposition last school year. The many Anheuser-Busch posters and other merchandise made the basketball arena look like a bar, says Mr. McKillip, the psychology professor who opposes beer promotions. "Universities are in a bind because they have athletic programs beyond their budgets," he says. "So they are willing to take any money they can." But the opposition has caused Busch to pull out of the shootout promotion this year.

Miller's promotion of a rock concert on the campus also caused a furor, especially a 20-foot-tall inflated replica of a beer bottle that hovered above the campus. "That was simply more than we felt we could engage in," says Bruce Swinburn, the college's vice president of student affairs. But Miller does still support some student ac-

tivities, he says.

Beer advertising in student newspapers also draws criticism. At the University of Minnesota, the *Minnesota Daily* "accepts a lot of ads from bars that literally say skip your class and come and drink," says James Rothenberger, a public-health professor.

Ad Is Withdrawn

His file of ads that he finds offensive includes one for Grandma's Saloon & Deli that shows a man and woman amid bacchanalian revelry. Its message: "Because some nights you don't feel like studying. Or is it most nights?" A large Miller ad shows a student dashing from his dorm-room desk as a radio blares. "Repeating . . . due to a computer foul-up, finals week will be postponed." In the foreground are a bottle and a mug of Miller and the familiar "Welcome to Miller Time" slogan.

Miller's Mr. Easton says the brewer pulled the ad after it ran in several college newspapers. "It got out there, and it probably shouldn't have," he says. But he defends an ad for Miller's Lowenbrau brand that Mr. Rothenberger of Minnesota also found disturbing. The ad shows two roommates helping a third student study, with an inset of the trio and two women drinking at a bar afterward. Mr. Easton concedes, "There's a very thin line between doing appealing, impactful ads and intruding on the purpose of student life."

In some promotions, however, the line isn't all that thin. Miller once offered to have its six-member sky-diving team, called the Six Pack, bail out of a plane, land at a Boston College football game wearing uniforms with the Miller logo, and deliver the game ball to the referee. Not to be outdone, Anheuser-Busch proposed throwing can openers with the Bud logo into the stands.

Boston College declined both offers.

American C+

Massachusetts drinkers bid farewell to happy hour

By JANE SEAGRAVE
The Associated Press

BOSTON — Drinkers mourned the death of the happy hour Friday, the last workday before Massachusetts bans bars from luring customers with cut-rate cocktails. But tavern managers said they won't miss the after-work promotions for "liquid dynamite."

New regulations outlawing liquor promotions such as two-for-one specials and chug-a-lug contests take effect Monday throughout the state as part of a campaign against drunken driving.

"I think it stinks," said Michael Utera, 34, of Erairtree, as he sipped a glass of scotch at Chadwick Park, a downtown Boston bar. "I think there are enough regulations in this country. Somebody doesn't have to tell me how to drink."

A handful of bars and restaurants have advertised last-chance happy hours, but most

said they planned to pass the final weekend before the ban without fanfare. State liquor officials said they expected no unusual enforcement problems.

"The regulations still say if you're caught serving an intoxicated person you can lose your license, and I don't think anyone is going to jeopardize their license to have one last blast," said George McCarthy, chairman of the state Alcoholic Beverage Commission, which drafted the new regulations.

But some bar patrons are miffed at the rules.

"If you want to get drunk, you can get drunk," said Bob Mongeaux of Boston. "It doesn't seem to make any sense to me."

The new rules prohibit the sale of more than two drinks at a time to one person, eliminate the sale of "jumbo" drinks at the price of regular drinks and ban reduced-price sales gimmicks such as "la-

dies nights."

McCarthy said liquor agents will be spot-checking bars and restaurants as usual over the weekend to make sure they are complying with state regulations.

"But we will have to seriously rely upon the local communities," he said. "We only have a handful of people to handle the state. But if something is going on in, say, Springfield, usually the com-

petition squeals."

While Michigan, New Jersey and Ohio have outlawed some forms of liquor promotion, McCarthy said Massachusetts is the first state to take comprehensive action against practices that encourage excessive drinking.

Bar owners and managers interviewed Friday said they won't be sorry to see happy hours go.

"It isn't as bad as it may

look because it brings everyone to the same standard," said Steve McGrath, manager of Guido Murphy's on Cape Cod. "Now the guy up the street who used to serve two-for-ones won't hurt us."

"Regardless of how you serve it, you are still serving liquid dynamite and that concerns us. We want people to walk out of here," he said.

"I'm glad it's ending. It encouraged a lot of irresponsi-

ble things," said Chi no, manager of Dela taurant in Amherst, v out a quarter-page a ment in the Unive Massachusetts studer paper to announce th of a happy hour."

Like many other b. ano's plans to substit hors d'oeuvres for drinks beginning ne to attract college stud the after-work crowd

How to Combat Drunkenness

By Morris E. Chafetz

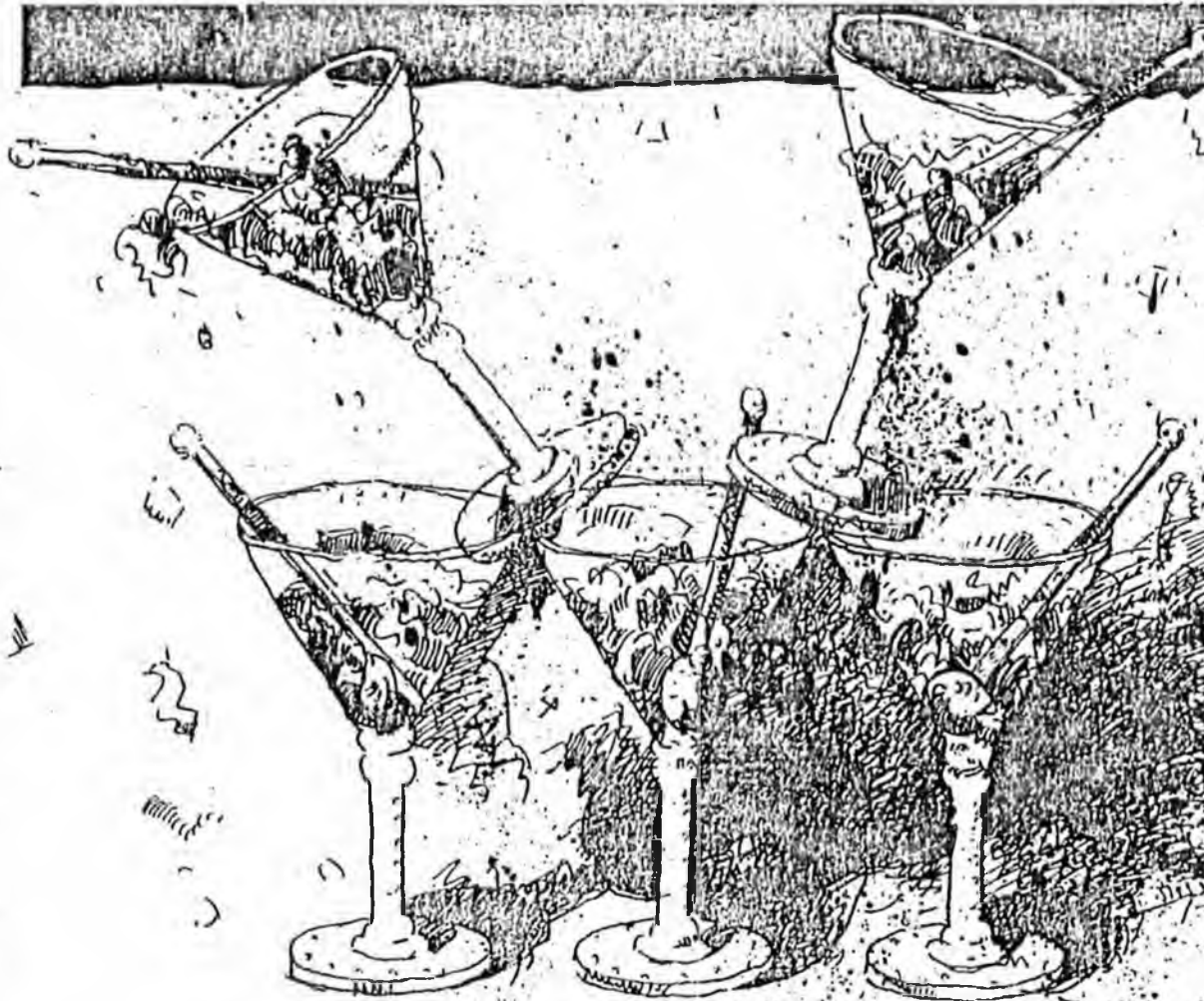
WASHINGTON — Almost everyone believes that the tough Scandinavian approach to drunken driving is the answer to an old and worrisome problem that is accentuated each New Year's Eve. I think they are wrong. In the long run, a broad effort to educate the public on how to control drunkenness would be far more effective.

Recent studies of drunken driving show that tough laws, strict enforcement and swift punishment do work, but only in the short term. In Sweden, for example, drunken-driving arrests are down, but fatalities from drunken-driving remain the same.

Police in Michigan and Delaware report that a much higher level of drunken-driving arrests doesn't significantly alter the statistics on drunken-driving deaths and injuries. H. Laurence Ross, author of "Detering the Drunken Driver," explained the apparent incongruity when he wrote that an estimated 5,000 alcohol-impaired miles are driven for every arrest, and 330,000 miles of drunken driving takes place for every fatality.

Another Scandinavian approach — that of using "designated drivers" who agree not to drink in order to drive others home — is being embraced in this country. However, there is an alarming side-effect: drinkers who know they won't have to drive take the arrangement as a license to get drunk. A recent acceleration of alcohol problems in Sweden may be an unexpected outcome

Morris E. Chafetz, a physician and president of the Health Education Foundation, was chairman of the prevention and education committee of the Presidential Commission on Drunk Driving from 1982 to 1983.



Mark Ulrich

of the designated-driver program.

We are also experimenting in dangerous waters with the recent Federal law requiring states to raise their drinking ages to 21 or lose Federal highway assistance. This kind of Federal blackmail subverts the intent of the 21st Amendment, which not only

repealed Prohibition but specifically forbade the Federal Government to meddle in states' alcohol policies. Since young people can easily get marijuana and other illicit drugs, why do policy makers think they won't be able to buy alcohol?

If saving lives is the rationale be-

hind raising the national drinking age, there is an easier way to do it. "Raising the drinking age can save only 5 to 15 percent of teenage auto fatalities," says Yale's Leon Robertson, "but raising the driving age can spare 65 to 80 percent." We should establish a single majority age so that alcohol doesn't stand out as a major attraction to the young.

To stop drunken driving, all of us must become part of the solution. We can do this through education. We've already shown people how they can

ESSAY

William Safire

Office Pool, 1985

WASHINGTON

Here, for the high rollers of punditry, is the office pool in Cassandra's Casino. Nobody ever gets more than four correct, but when you hit on a big one, all the predictions that went awry are washed away.

1. White House chief of staff at 1985's end will be (a) James Baker; (b) Michael Deaver; (c) Richard Darman; (d) Robert McFarlane; (e) William Clark.

2. The juiciest political scandal of 1985 will involve (a) illegal eavesdropping; (b) money under the table; (c) leak-plugging lie-detection excesses; (d) sexual favoritism.

3. The real increase in defense-budget authorization will wind up (a) 7 percent or over, as President Reagan seeks; (b) a compromise between 4 and 6 percent; (c) under 4 percent for the first time since Jimmy Carter.

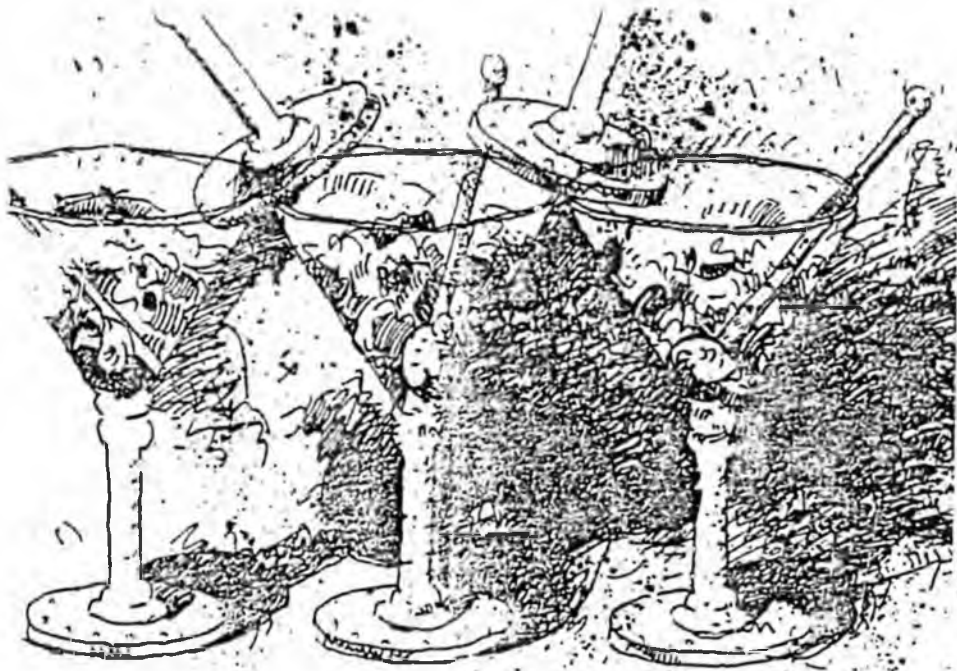
4. The amendment that will pass is the (a) balanced budget; (b) school prayer; (c) anti-abortion; (d) none.

5. The Administration will succeed in getting (a) funding for contras; (b) substantial tax simplification; (c) big cut in Medicare costs; (d) funding for the MX missile; (e) none of these.

6. Economy at year's end will be (a) recovering from recession; (b) headed into recession; (c) recession-free.

7. Mr. Reagan's most controversial decision will involve (a) commitment of U.S. troops abroad; (b) powerful response to terrorist attack; (c) international restraint that will be attacked as failure of nerve; (d) hanging tough for an aide who let him down.

8. Biggest letdown of the year will be (a) heart-transplant surgery; (b) Halley's comet; (c) Wall Street; (d)



Mark Ulrich

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repealed Prohibition, but specifically forbade the Federal Government to meddle in states' alcohol policies. Since young people can easily get marijuana and other illicit drugs, why do policy makers think they won't be able to buy alcohol? If saving lives is the rationale be-

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To stop drunken driving, all of us must become part of the solution. We can do this through education. We've already shown people how they can preserve their health by quitting smoking, exercising, eating better and reducing stress. We teach unskilled people how to save lives with the Heimlich maneuver, cardio-pulmonary resuscitation and various life-saving measures.

Why not use similar techniques to combat drunkenness? We already have easily learned techniques on how to spot, interrupt and prevent impending intoxication. We can't look away when family members, friends, colleagues and co-workers overdose with alcohol and become dangerous to themselves and others.

Alcohol is a drug — a central nervous system depressant — not far removed pharmacologically from barbiturates. Yet people feel free in dispensing it recklessly and irresponsibly. By calling alcohol a drug I'm not calling it a dirty name. My feelings about alcohol are similar to those of Winston Churchill, who once said, "I have taken more good from alcohol than alcohol has taken from me." I contend that society has taken more good from alcohol than alcohol has taken from society.

A landmark decision of the New Jersey Supreme Court that holds social hosts liable for the actions of guests who get drunk forces us to realize that people around the drinker contribute to the state of drunkenness. Consumer activists tell us that businesses should be responsible for their products and services. The court's 6-to-1 decision tells us that we are responsible for the behavior of our drinking guests.

When people no longer feel that getting drunk is an acceptable part of drinking, and when the liquor and hospitality industries train their employees in responsible sale and service, drunken driving will cease to be a major social problem. Perhaps the increasing threat of litigation, following the New Jersey decision, will finally bring us to our social senses. □

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8. Biggest letdown of the year will be (a) heart-transplant surgery; (b) Halley's comet; (c) Wall Street; (d) Flutie.

9. Democrat leading for Presidential nominee in the early surveys of party officials will be (a) Gary Hart; (b) Ted Kennedy; (c) Mario Cuomo; (d) Joseph Biden; (e) Bill Bradley.

10. Israel will (a) have a new government; (b) adopt the austerity-free market ideas that will trigger massive U.S. aid; (c) neither; (d) both.

11. The faction within the Reagan Administration that will emerge as

If
you don't
play,
you can't
hoot

predominant will be (a) Weinberger-Clark-Casey-Kirkpatrick; (b) Shultz-Baker-Baldrige-McFarlane; (c) Mike Deaver and Nancy Reagan; (d) a continuing standoff among these three.

12. The Strategic Defense Initiative (a) will still be hooted at as "Star Wars" and will not be funded; (b) will be used as a bargaining chip to reduce Soviet land-based missile advantages; (c) will be the centerpiece of U.S. defense planning.

13. The Soviet leader at year's end will be (a) Chernenko; (b) Gorbachev; (c) Romanov; (d) Grishin; (e) Ogarkov.

14. The People's Republic of China will (a) make a surprise deal with Taiwan; (b) dispense with chopsticks; (c) have a rapprochement with the Russians; (d) continue on capitalist road; (e) have this dec-

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No.: CSSB 138 (Finance)
 Title: Act relating to pricing
and marketing of alcoholic
beverages
 Sponsor: Sen. V. Fischer
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: All
 BRU: _____

 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: _____
 Division: Senator Jan Faiks, Co-chairman
Senate Finance Committee
 Approved by Commissioner: _____
 Agency: _____

Phone: 465-4523
 Date: 4/8/86
 Date: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

MONTHERS AGAINST DRUNK DRIVERS

CLARIFICATION

WE DO SUPPORT THE HAPPY HOURS BILL, AS WRITTEN.

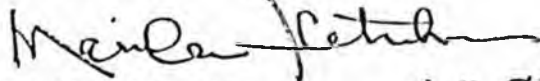
An Associated Press story misquoted us as being in disagreement with our volunteer lobbyist about SB 138, the "Happy Hours Bill."

My comment was made in response to an out of context technical point read to me over the phone by their reporter after a very surprising attack on the point by Senator Ray. MADD supports the bill as written. We have no disagreement with our lobbyist.

There is apparently a rumor being circulated by the six paid liquor lobbyists that the "Happy Hours Bill" is in some way a "trade off" for other legislation which would also help reduce drunk driving and other alcohol abuse.

MADD enthusiastically supports dram shop legislation and the modest increases in excise taxes currently before the legislature. All these bills stand on their own merits.

Sincerely,



Marilee Fletcher
Co-Chairwoman

4.11.86